

CHEATWOOD DECLARATION – EXHIBIT 1

Page 1

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 DISTRICT OF MASSACHUSETTS
4 -----X
5 ABDUL RAHMAN ALHARBI,
6 Plaintiff,
7 Civil Action No:
8 VS. 14-11550-PBS
9
10 GLENN BECK; THE BLAZE, INC.; MERCURY RADIO
11 ARTS, INC., et al.,
12 Defendants.
13 -----X
14
15 DEPOSITION OF JOEL CHEATWOOD
16 Thursday, March 24, 2016
17 New York, New York
18
19
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21
22
23 Reported By:
24 LINDA J. GREENSTEIN
25 JOB NO. 326058

Page 2

1 March 24, 2016
2 10:07 A.M.
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6
7 Deposition of JOEL CHEATWOOD,
8 taken by Plaintiff, pursuant to Subpoena,
9 held at Nelson, Mullins, Riley &
10 Scarborough, L.L.P., 415 Madison Avenue,
11 New York, New York, before Linda J.
12 Greenstein, a Certified Shorthand Reporter
13 and Notary Public of the State of New York.
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Page 3

1 A P P E A R A N C E S :
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3
4 NELSON, MULLINS, RILEY & SCARBOROUGH,
5 L.L.P.
6 Attorneys for Plaintiff
7 One Post Office Square
8 30th Floor
9 Boston, Massachusetts 02109
10
11 BY: PETER J. HALEY, ESQ.
12 617.573.4714
13 peter.haley@nelsonmullins.com
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1 JOEL CHEATWOOD,
2 having been first duly sworn, was examined
3 and testified as follows:
4 MR. GRYGIEL: Peter, on the
5 record, the usual stipulations?
6 MR. HALEY: Yes. If we could
7 agree to to waive the sealing and the
8 filing of the deposition to the extent
9 that's required, and reserve all objections
10 except as to the form of the question until
11 the time of trial, if that's acceptable to
12 counsel?
13 MR. GRYGIEL: Defendants agree.
14 EXAMINATION BY
15 MR. HALEY:
16 Q. Can you state your name, please.
17 A. Joel Cheatwood.
18 Q. And what's your business
19 address, Mr. Cheatwood?
20 A. 381 Park Avenue South; New York,
21 New York.
22 Q. And how are you employed?
23 A. I am a partner at a company
24 called Red Sea Ventures.
25 Q. Are you represented by counsel

<p>Page 5</p> <p>1 JOEL CHEATWOOD</p> <p>2 here today?</p> <p>3 A. Yes.</p> <p>4 Q. And who is that?</p> <p>5 A. Mike Grygiel.</p> <p>6 Q. Do you currently have any</p> <p>7 financial relationship with the defendants</p> <p>8 in this action, TheBlaze or Mercury Radio</p> <p>9 Arts or Premiere Networks?</p> <p>10 A. I do not -- can I make one</p> <p>11 correction to that statement?</p> <p>12 Q. Sure.</p> <p>13 A. Our company, Red Sea Ventures,</p> <p>14 does have a relationship with Premiere</p> <p>15 Radio. We represent a couple of their</p> <p>16 clients.</p> <p>17 Q. What does Red Sea Ventures do?</p> <p>18 A. Red Sea Ventures is a company</p> <p>19 that partners with celebrities and content</p> <p>20 creators to form new media companies.</p> <p>21 In addition, we advise existing</p> <p>22 media companies on operation, content</p> <p>23 creation, distribution.</p> <p>24 Q. Where did you graduate from</p> <p>25 college?</p>	<p>Page 7</p> <p>1 JOEL CHEATWOOD</p> <p>2 more stop before that period of time in</p> <p>3 Richmond, Virginia at what was WXEX-TV.</p> <p>4 Q. Did you start out as a reporter?</p> <p>5 A. I started out in newspaper as a</p> <p>6 reporter.</p> <p>7 Q. And with respect to the radio</p> <p>8 and television experience, did your</p> <p>9 position change over time? Did you remain</p> <p>10 a reporter?</p> <p>11 At some point, did you take on a</p> <p>12 management role or take on a supervisory</p> <p>13 role?</p> <p>14 MR. GRYGIEL: Object to the</p> <p>15 form.</p> <p>16 A. I transitioned from a reporter</p> <p>17 into news management.</p> <p>18 Q. Did you have any formal training</p> <p>19 in those jobs or pursue any professional</p> <p>20 certification with respect to your</p> <p>21 experience in journalism?</p> <p>22 MR. GRYGIEL: Same objection.</p> <p>23 A. Through that period of time, I</p> <p>24 attended a number of what I would call</p> <p>25 seminars through RTNDA, which is the Radio</p>
<p>Page 6</p> <p>1 JOEL CHEATWOOD</p> <p>2 A. I didn't graduate, but attended</p> <p>3 California State University, Fresno.</p> <p>4 Q. What was the last year you</p> <p>5 attended there?</p> <p>6 A. In terms of the actual year?</p> <p>7 Q. Yes.</p> <p>8 A. That would have been 1979, I</p> <p>9 believe.</p> <p>10 Q. And in 1989, you were employed</p> <p>11 by WSVN Miami; is that correct?</p> <p>12 A. That's correct.</p> <p>13 Q. And between 1979 and 1989, were</p> <p>14 you employed in the radio, television or</p> <p>15 media area?</p> <p>16 A. Newspaper and television.</p> <p>17 Q. And so between 1979 and 1989,</p> <p>18 where were you employed?</p> <p>19 A. I was employed at one point by</p> <p>20 the Fresno Guide Newspaper while I was</p> <p>21 still attending college. Then, from there,</p> <p>22 I was employed by KFSN-TV in Fresno.</p> <p>23 From there, KPIX-TV in San</p> <p>24 Francisco; from there, back to Fresno at</p> <p>25 KMPH-TV; and then I believe there's one</p>	<p>Page 8</p> <p>1 JOEL CHEATWOOD</p> <p>2 and Television News Directors Association,</p> <p>3 and, of course, in college also studied</p> <p>4 journalism.</p> <p>5 Q. Did you receive any awards or</p> <p>6 -- speaking now of your entire career in</p> <p>7 journalism -- did you receive any awards or</p> <p>8 recognition as a result of your</p> <p>9 professional achievements?</p> <p>10 A. I have received a number of</p> <p>11 regional Emmys for excellence, was</p> <p>12 nominated for a national Emmy.</p> <p>13 I have received recognition</p> <p>14 through industry trades and the like over</p> <p>15 the years.</p> <p>16 Q. When did you first meet Glenn</p> <p>17 Beck?</p> <p>18 A. I met Glenn Beck while I was</p> <p>19 employed at CNN as the director of</p> <p>20 development there, and I believe that would</p> <p>21 have been in 2003, I believe.</p> <p>22 Q. And between 1989 and 2003, your</p> <p>23 employment was at WSVN in Miami, HDH in</p> <p>24 Boston, WMAQ and WCBS here in New York; is</p> <p>25 that correct?</p>

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1 JOEL CHEATWOOD
2 A. Also KYW in Philadelphia.
3 Q. When was that, just in relation
4 to -- from Miami, you went to Boston; is
5 that correct?
6 A. From Miami, I went to Boston;
7 from Boston to Chicago to WMAQ; from WMAQ
8 to KYW in Philadelphia; and then from KYW
9 to WCBS, and CBS in general.
10 Q. And then following WCBS, you
11 were employed by CNN?
12 A. That's correct.
13 Q. And what was your position there?
14 A. I was the executive director of
15 development for CNN worldwide.
16 Q. What were your duties in
17 connection with that position?
18 A. My duties included creating new
19 programming for the CNN networks, and also
20 identifying new talent for the CNN
21 networks.
22 Q. What was your relationship to
23 Mr. Beck at CNN? Did you provide
24 supervision or did he report to you, or
25 what was the nature of your professional

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1 JOEL CHEATWOOD
2 relationship?
3 MR. GRYGIEL: Object to the
4 form.
5 A. I recruited Mr. Beck to CNN to
6 do a television show for Headline News, one
7 of their networks, and oversaw the show
8 during my time there.
9 Q. And what did overseeing the show
10 involve?
11 A. Basically, being the executive
12 in charge of production, so I had broad
13 oversight working with the executive
14 producer and the staff on show direction,
15 budgeting. That sort of thing.
16 Q. Following CNN, what was your
17 next employment?
18 A. With the Fox News channel, where
19 I was senior vice president of program
20 development.
21 Q. And did you work with Mr. Beck
22 there as well?
23 A. I did.
24 Q. And at some point, you left Fox
25 to go to TheBlaze; is that correct?

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1 JOEL CHEATWOOD
2 A. That's correct.
3 Q. And when was that?
4 A. That would have been, let's say
5 -- that would have been, I believe, in 2010
6 or '11.
7 Q. And how long were you with
8 TheBlaze?
9 A. Four years.
10 Q. What was your position there
11 when you started?
12 A. When I started, I was the
13 executive vice president of Mercury Radio
14 Arts.
15 Q. And at some point, did that
16 change?
17 A. Yes. I became the president and
18 chief content officer at TheBlaze.
19 Q. When did that change take place?
20 A. That change took place in 2012,
21 I believe.
22 Q. And as president and chief
23 content officer, what were your duties?
24 A. I oversaw all content related to
25 TheBlaze on all platforms.

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1 JOEL CHEATWOOD
2 Q. When you say "oversaw all
3 content," what do you mean by that?
4 A. Was ultimately responsible for
5 content placed on the television show, the
6 web, theblaze.com, and the Internet
7 streaming radio network.
8 Q. And in terms of being
9 responsible, what did that involve on a
10 day-to-day basis?
11 A. It involved overseeing the staff
12 that produced the television shows and the
13 web content, the radio content on the
14 Internet streaming side, and hiring/firing.
15 Q. What essentially was the
16 business of TheBlaze at that time?
17 MR. GRYGIEL: Object to the
18 form.
19 A. TheBlaze was a multi-platform
20 news information network covering, again,
21 TV, Internet, radio and digital.
22 Q. With respect to Mr. Beck's role
23 at TheBlaze, he broadcast a radio program
24 and a television program; is that correct?
25 A. Yes, he did.

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1 JOEL CHEATWOOD
2 Q. Were there separate people
3 involved in the production of the radio
4 program and the television program?
5 A. Yes.
6 Q. Did you have responsibility for
7 both?
8 A. I did not have responsibility
9 for radio. The radio program fell under
10 the Mercury Radio Arts umbrella.
11 Q. And with respect to your
12 employment at TheBlaze at the time, how
13 many people were employed in the operation?
14 A. When I arrived, it was 30. When
15 I departed, it was close to 200.
16 Q. Why did you depart?
17 A. I was terminated.
18 Q. And what was the reason for your
19 termination?
20 A. Change in direction that Mr.
21 Beck outlined for the company. He wanted
22 to change the content focus.
23 Q. And was there any dispute
24 arising out of your termination, any sort
25 of severance agreement, litigation or

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1 JOEL CHEATWOOD
2 anything else at TheBlaze at the time you
3 departed?
4 MR. GRYGIEL: Object to the
5 form.
6 A. There was a severance agreement.
7 No litigation.
8 Q. Have you been deposed before?
9 A. Yes.
10 Q. How many times have you been
11 deposed?
12 A. One other time.
13 Q. When was that?
14 A. That would have been Miami,
15 probably 1989.
16 Q. What was that matter?
17 A. That was a suit brought against
18 the station based on an investigative
19 report the station had done.
20 Q. What was the resolution of that
21 suit?
22 A. The station won.
23 Q. Did that go to trial?
24 A. No.
25 Q. When you say "won," was it a

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1 JOEL CHEATWOOD
2 summary judgement motion or some sort of
3 pretrial motion or was there a settlement?
4 MR. GRYGIEL: Objection to form.
5 You may answer.
6 A. To the best of my recollection,
7 it was a summary judgement.
8 Q. Do you know what the name of the
9 case was?
10 A. I do not.
11 Q. Do you know who the plaintiff
12 was?
13 A. I do not.
14 Q. Do you know what the
15 investigative report involved?
16 A. Again, to the best of my
17 recollection, it involved a towing service
18 in the City of Miami that was illegally
19 charging people and illegally towing the
20 vehicles.
21 Q. I represent the plaintiff, Abdul
22 Alharbi, in this action.
23 Do you have any knowledge about
24 Mr. Alharbi's involvement in funding the
25 attacks that took place at the Boston

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1 JOEL CHEATWOOD
2 Marathon on April 15, 2013?
3 A. I have knowledge based on what
4 has been provided to us by -- to TheBlaze
5 by their confidential sources.
6 Q. Other than that knowledge
7 provided to you by confidential sources, do
8 you have any other personal knowledge?
9 A. The only other personal
10 knowledge has come from the corroborating
11 reporting that was done by experts in the
12 area that we used to, again, bring context
13 and perspective to the confidential source
14 material.
15 Q. And with respect to Mr.
16 Alharbi's role, what is it that you believe
17 Mr. Alharbi's role to be?
18 A. I believe he was the funder and
19 perhaps organizer of the Boston bombing.
20 Q. What's the basis of your belief
21 that he funded the attacks?
22 A. It's based on the information
23 provided to us by our confidential sources
24 who had a direct connection to the Boston
25 investigation.

<p style="text-align: right;">Page 17</p> <p>1 JOEL CHEATWOOD</p> <p>2 Q. Who are those confidential</p> <p>3 sources?</p> <p>4 MR. GRYGIEL: Objection.</p> <p>5 Q. Just for the record so that</p> <p>6 we're clear, Mr. Grygiel has objected, as</p> <p>7 he has in previous depositions, to the</p> <p>8 question calling for the identification of</p> <p>9 the confidential sources.</p> <p>10 And if you could just affirm for</p> <p>11 me that you don't intend to respond to the</p> <p>12 question based on Mr. Grygiel's objection.</p> <p>13 A. Based on the First Amendment</p> <p>14 right and Mr. Grygiel's objection, I do not</p> <p>15 intend to answer that question.</p> <p>16 Q. Is TheBlaze or Mercury Radio</p> <p>17 Arts paying for your legal fees in this</p> <p>18 action?</p> <p>19 A. Yes.</p> <p>20 Q. I show you a copy of what's</p> <p>21 previously been marked as Exhibit 55 in</p> <p>22 this action -- actually, I'll show you</p> <p>23 Exhibit 55.</p> <p>24 This is a document that was</p> <p>25 produced by the defendants with respect to</p>	<p style="text-align: right;">Page 19</p> <p>1 JOEL CHEATWOOD</p> <p>2 procedures at TheBlaze? Is this something</p> <p>3 that was referred to or used?</p> <p>4 MR. GRYGIEL: Object to the</p> <p>5 form.</p> <p>6 A. This was used by me in setting</p> <p>7 the policy, as well as Associated Press</p> <p>8 basic guidelines.</p> <p>9 Q. And the document that was used</p> <p>10 presumably would have been whatever the</p> <p>11 version was in 2013; is that correct?</p> <p>12 A. Correct.</p> <p>13 Q. And other than this source, were</p> <p>14 there any other sources or documents that</p> <p>15 you relied upon in reporting in news</p> <p>16 gathering in 2013?</p> <p>17 A. No.</p> <p>18 Q. And with respect to your</p> <p>19 previous employment at CNN or WCBS or any</p> <p>20 of the other news outlets and stations at</p> <p>21 which you were employed, were there written</p> <p>22 policies and procedures that related to</p> <p>23 news gathering and the reporting of</p> <p>24 information?</p> <p>25 A. It varied depending on the</p>
<p style="text-align: right;">Page 18</p> <p>1 JOEL CHEATWOOD</p> <p>2 newsroom policies at TheBlaze in 2013.</p> <p>3 The document is dated</p> <p>4 December 2, 2015 in the bottom right-hand</p> <p>5 corner, and appears to be a printout from</p> <p>6 an Internet source.</p> <p>7 Have you seen this document</p> <p>8 before?</p> <p>9 A. Yes, I have.</p> <p>10 Q. And are you familiar with it?</p> <p>11 A. Yes, I am.</p> <p>12 Q. What is it?</p> <p>13 A. This is a guideline produced by</p> <p>14 the RTDNA -- actually, the Radio Television</p> <p>15 Digital News Association -- that outlines</p> <p>16 the proper use of confidential sources in</p> <p>17 covering the news.</p> <p>18 Q. And during your tenure at</p> <p>19 TheBlaze, did TheBlaze have its own set of</p> <p>20 written policies and procedures that</p> <p>21 related to the reporting of news and</p> <p>22 information?</p> <p>23 A. Not written, no.</p> <p>24 Q. How does this document,</p> <p>25 Exhibit 55, relate to the policies and</p>	<p style="text-align: right;">Page 20</p> <p>1 JOEL CHEATWOOD</p> <p>2 organization.</p> <p>3 Q. What about at CNN?</p> <p>4 A. There were written standards and</p> <p>5 practices.</p> <p>6 Q. And was there a reason why there</p> <p>7 were not written standards and practices at</p> <p>8 TheBlaze?</p> <p>9 A. The flow of information at</p> <p>10 TheBlaze funneled up through a very narrow</p> <p>11 output -- primarily me -- and I was able to</p> <p>12 really set standards and practices on a</p> <p>13 daily basis.</p> <p>14 Q. Is it fair to say then that you</p> <p>15 were the person who was responsible for</p> <p>16 determining what would be published or</p> <p>17 broadcast or not?</p> <p>18 MR. GRYGIEL: Object to the</p> <p>19 form.</p> <p>20 A. Primarily responsible,</p> <p>21 ultimately responsible.</p> <p>22 Scott Baker, who runs</p> <p>23 theblaze.com, oversaw that operation, but I</p> <p>24 was ultimately responsible.</p> <p>25 Q. And what role did Mr. Beck play</p>

<p style="text-align: right;">Page 21</p> <p>1 JOEL CHEATWOOD</p> <p>2 in that?</p> <p>3 A. Certainly had input. Certainly</p> <p>4 gave his opinion in terms of news coverage</p> <p>5 and stories and the like.</p> <p>6 Ultimately, we made the final</p> <p>7 decisions.</p> <p>8 Q. With respect to Exhibit 55, are</p> <p>9 the statements that are made there</p> <p>10 statements and policies that you attempted</p> <p>11 to follow?</p> <p>12 A. Very consistent with, yes.</p> <p>13 Q. Directing your attention to page</p> <p>14 2 of the exhibit, the top of the page there</p> <p>15 says: "Do you understand your newsroom's</p> <p>16 policy on confidentiality? Before you</p> <p>17 promise it to sources, consider a policy</p> <p>18 that requires you to obtain the consent of</p> <p>19 your news managers."</p> <p>20 What was the policy of TheBlaze</p> <p>21 on the use of confidential sources?</p> <p>22 A. Had to have my consent.</p> <p>23 Q. Other than your consent, was</p> <p>24 there any other requirement?</p> <p>25 A. Other than following the</p>	<p style="text-align: right;">Page 23</p> <p>1 JOEL CHEATWOOD</p> <p>2 confidential sources, or how did you</p> <p>3 describe the confidential sources?</p> <p>4 MR. GRYGIEL: Objection to the</p> <p>5 extent that the question potentially calls</p> <p>6 for identification of the confidential</p> <p>7 sources, so consistent with Mr. Cheatwood's</p> <p>8 previous objection based on the First</p> <p>9 Amendment and the Reporter's Privilege, you</p> <p>10 can answer that question, Joel, to the</p> <p>11 extent that it doesn't veer into</p> <p>12 identifying any of the confidential</p> <p>13 sources.</p> <p>14 A. We explained that our</p> <p>15 confidential sources had a direct</p> <p>16 connection to the ongoing investigation of</p> <p>17 the Boston bombing, and that they were high</p> <p>18 level and respectable organizations.</p> <p>19 Q. Did you say anything -- and</p> <p>20 speaking now as to what you said publicly</p> <p>21 -- did you say anything about why the</p> <p>22 sources could not be named?</p> <p>23 A. I believe we indicated that it</p> <p>24 would jeopardize their careers.</p> <p>25 Q. Did you make any promises to</p>
<p style="text-align: right;">Page 22</p> <p>1 JOEL CHEATWOOD</p> <p>2 guidelines that we adhered to, no.</p> <p>3 Q. When you say "following the</p> <p>4 guidelines that we adhered to," what do you</p> <p>5 mean by that?</p> <p>6 A. Referring to the basic guideline</p> <p>7 provided here by the RTNDA.</p> <p>8 Q. On page 1 of Exhibit 55, in the</p> <p>9 middle of the page, which says under the</p> <p>10 heading "Fulfill All of the Following Four</p> <p>11 Criteria and Then Consider Questions Listed</p> <p>12 Below," it says:</p> <p>13 "You and your news managers must</p> <p>14 be willing to publicly describe the source</p> <p>15 in as detailed a manner as anonymity</p> <p>16 permits, reveal to the public why the</p> <p>17 source cannot be named, and what, if any,</p> <p>18 promises the news organization made in</p> <p>19 order to get the information."</p> <p>20 With respect to the sources</p> <p>21 involved, confidential sources involved in</p> <p>22 the reporting about the Boston Marathon,</p> <p>23 did you follow that policy?</p> <p>24 A. Yes, we did.</p> <p>25 Q. And how would you describe the</p>	<p style="text-align: right;">Page 24</p> <p>1 JOEL CHEATWOOD</p> <p>2 those sources in order to get the</p> <p>3 information?</p> <p>4 A. The only promise made was to</p> <p>5 preserve their confidentiality.</p> <p>6 Q. I'll show you what's previously</p> <p>7 been marked as Exhibit 56, which is an</p> <p>8 e-mail message from Patrick Poole to</p> <p>9 Virginia Grace and Joe Weasel.</p> <p>10 Who is Patrick Poole?</p> <p>11 A. Patrick Poole is a noted expert</p> <p>12 in terrorism and Middle East radicals.</p> <p>13 Q. Is he somebody that you viewed</p> <p>14 as a credible source?</p> <p>15 A. Yes.</p> <p>16 Q. Did you view him as trustworthy?</p> <p>17 A. Yes.</p> <p>18 Q. Who is Virginia Grace?</p> <p>19 A. At the time, she was a producer</p> <p>20 on Glenn's television program.</p> <p>21 Q. And how about Joe Weasel?</p> <p>22 A. Joe Weasel was an investigative</p> <p>23 producer for TheBlaze.</p> <p>24 Q. Did Ms. Grace and Mr. Weasel</p> <p>25 report to you?</p>

<p style="text-align: right;">Page 25</p> <p>1 JOEL CHEATWOOD</p> <p>2 A. Yes.</p> <p>3 Q. And what was the relationship</p> <p>4 between Mr. Poole and TheBlaze?</p> <p>5 A. Used as a -- source used as an</p> <p>6 interview subject on topics that he was</p> <p>7 expert in for both television and radio.</p> <p>8 Q. Did he receive any payment?</p> <p>9 A. I believe that at one point in</p> <p>10 the relationship he was paid as a</p> <p>11 contributor to TheBlaze.</p> <p>12 Q. And what were the amounts of</p> <p>13 those payments?</p> <p>14 A. I don't know.</p> <p>15 Q. You said "at one point in the</p> <p>16 relationship."</p> <p>17 When was that? Do you know?</p> <p>18 A. I don't recall the exact dates.</p> <p>19 I know it was for a fairly short</p> <p>20 period of time.</p> <p>21 Q. Do you know if that was true at</p> <p>22 this time, in April of 2013?</p> <p>23 A. I don't believe it was.</p> <p>24 Q. I show you what's been marked as</p> <p>25 Exhibit 57, which is another e-mail from</p>	<p style="text-align: right;">Page 27</p> <p>1 JOEL CHEATWOOD</p> <p>2 Q. And with respect to the Boston</p> <p>3 Marathon, is that something that you did,</p> <p>4 carefully studied the information?</p> <p>5 A. Absolutely.</p> <p>6 Q. I show you what's been marked as</p> <p>7 Exhibit 59, which is another e-mail from</p> <p>8 Mr. Poole to Mr. Weasel dated Tuesday,</p> <p>9 April 16th at 4:23 a.m.</p> <p>10 Where did Mr. Poole reside, do</p> <p>11 you know?</p> <p>12 A. I do not.</p> <p>13 Q. Have you ever met Mr. Poole?</p> <p>14 A. Yes.</p> <p>15 Q. And Mr. Poole's e-mail to Mr.</p> <p>16 Weasel says: "Not for circulation. Here's</p> <p>17 the guy they're looking at."</p> <p>18 Do you know who Mr. Poole is</p> <p>19 referring to when he says "they're"?</p> <p>20 A. I do not.</p> <p>21 Q. I show you a copy of what's</p> <p>22 previously been marked as Exhibit 60.</p> <p>23 Have you seen this document</p> <p>24 before?</p> <p>25 A. Yes, I have.</p>
<p style="text-align: right;">Page 26</p> <p>1 JOEL CHEATWOOD</p> <p>2 Mr. Poole.</p> <p>3 In the third line of the e-mail,</p> <p>4 Mr. Poole says: "Having to take all of</p> <p>5 this with a grain of salt and caution."</p> <p>6 Do you know what he was</p> <p>7 referring to there?</p> <p>8 A. I was not included on this</p> <p>9 e-mail. I'm not clear on what he might</p> <p>10 have intended that to mean.</p> <p>11 Q. This was on the day of the</p> <p>12 Marathon bombing.</p> <p>13 In connection with your</p> <p>14 experience as a reporter involved in the</p> <p>15 news industry, is it fair to say that</p> <p>16 immediately following a large event,</p> <p>17 there's oftentimes a large amount of</p> <p>18 information which later proves to be</p> <p>19 inaccurate or not entirely correct?</p> <p>20 MR. GRYGIEL: Objection to the</p> <p>21 form and also it calls for speculation.</p> <p>22 You may answer.</p> <p>23 A. I think in any news event, there</p> <p>24 is an initial flood of information that has</p> <p>25 to be carefully studied and evaluated.</p>	<p style="text-align: right;">Page 28</p> <p>1 JOEL CHEATWOOD</p> <p>2 Q. When did you first see it?</p> <p>3 A. I believe I saw this for the</p> <p>4 first time on April 24th of 2013.</p> <p>5 Q. Do you know where the document</p> <p>6 came from?</p> <p>7 A. It came to me through Joe</p> <p>8 Weasel.</p> <p>9 Q. Do you know where he got it?</p> <p>10 A. I believe that it was provided</p> <p>11 him by a confidential source.</p> <p>12 Q. Do you know what the document</p> <p>13 is?</p> <p>14 A. I do.</p> <p>15 Q. What is it?</p> <p>16 A. This is a report generated by</p> <p>17 the Joint Terrorism Task Force regarding a</p> <p>18 suspect and an event, the Boston bombing.</p> <p>19 Q. On the lower right-hand side of</p> <p>20 the report on the first three pages of</p> <p>21 Exhibit 60, it states: "This record has</p> <p>22 not yet been approved."</p> <p>23 Did that statement have any</p> <p>24 significance to you?</p> <p>25 A. Yes, it did. In fact, we</p>

<p style="text-align: right;">Page 29</p> <p>1 JOEL CHEATWOOD</p> <p>2 immediately, upon seeing this, reconnected</p> <p>3 with our primary confidential source and</p> <p>4 asked for an explanation.</p> <p>5 Q. What was the explanation?</p> <p>6 A. The explanation was this was an</p> <p>7 organic document that at some point during</p> <p>8 the course of the day would be</p> <p>9 authenticated in terms of the designation,</p> <p>10 but that throughout the day, it was being</p> <p>11 updated. This was very common.</p> <p>12 Q. And did you ever see any version</p> <p>13 of this record that was authenticated or</p> <p>14 updated?</p> <p>15 A. Yes, I did.</p> <p>16 Q. When did you see that?</p> <p>17 A. On the same day.</p> <p>18 Q. What was that document that you</p> <p>19 saw?</p> <p>20 A. That was, I believe, page 4 of</p> <p>21 this series of documents.</p> <p>22 Q. And so with respect to the</p> <p>23 exhibit then, did page 4, with the Bates</p> <p>24 stamp number of 47613, come to you after</p> <p>25 the first three pages?</p>	<p style="text-align: right;">Page 31</p> <p>1 JOEL CHEATWOOD</p> <p>2 agency in existence, if not all of them.</p> <p>3 Q. Did any of them ever make any</p> <p>4 public response with respect to your</p> <p>5 inquiries?</p> <p>6 A. There were public responses made</p> <p>7 at various times to us, yes.</p> <p>8 Q. And what were those responses?</p> <p>9 A. Typically, they were a variety</p> <p>10 of answers that span the globe from, you</p> <p>11 know: "Mis-ID'd" to "The person doesn't</p> <p>12 exist" to "We made a mistake."</p> <p>13 Q. Did you ever publish any of</p> <p>14 those responses?</p> <p>15 A. We reported them, yes.</p> <p>16 MR. GRYGIEL: Just to be clear,</p> <p>17 who's the "we" in that sentence: "We made</p> <p>18 a mistake"?</p> <p>19 THE WITNESS: The government.</p> <p>20 Q. When you say the government made</p> <p>21 a mistake, what are you referring to?</p> <p>22 A. One of the responses was that</p> <p>23 they had identified Mr. Alharbi mistakenly.</p> <p>24 Q. Did you not view that response</p> <p>25 at credible or accurate?</p>
<p style="text-align: right;">Page 30</p> <p>1 JOEL CHEATWOOD</p> <p>2 A. They came at the same time.</p> <p>3 Q. Is it your understanding then</p> <p>4 that page 4 represents a further iteration</p> <p>5 of the first three pages?</p> <p>6 MR. GRYGIEL: Object to the</p> <p>7 form. You may answer.</p> <p>8 A. Yes. Again, we went back to our</p> <p>9 primary confidential source asking for an</p> <p>10 explanation, and he indicated that the</p> <p>11 removal of the previous designation, that</p> <p>12 the record had not been approved, indicated</p> <p>13 that it was an approved record.</p> <p>14 Q. Did you ever -- other than</p> <p>15 through your confidential source -- did you</p> <p>16 ever ask anybody from the government</p> <p>17 publicly, either the Joint Terrorism Task</p> <p>18 Force or the Department of Homeland</p> <p>19 Security, the Department of Justice or</p> <p>20 anyone else about this document?</p> <p>21 MR. GRYGIEL: Object to the</p> <p>22 form.</p> <p>23 A. Yes, we did.</p> <p>24 We had multiple sources ask</p> <p>25 virtually every federal law enforcement</p>	<p style="text-align: right;">Page 32</p> <p>1 JOEL CHEATWOOD</p> <p>2 A. We took every response that we</p> <p>3 received and took it back to our</p> <p>4 confidential sources and checked against</p> <p>5 the facts that they had access to.</p> <p>6 Q. How many sources were there,</p> <p>7 when you say "confidential sources"?</p> <p>8 A. There were a variety of sources.</p> <p>9 I would say there were four</p> <p>10 primary confidential sources.</p> <p>11 Q. Were those individuals?</p> <p>12 A. Yes.</p> <p>13 Q. And were they employed by the</p> <p>14 government?</p> <p>15 A. Yes.</p> <p>16 MR. GRYGIEL: You can answer,</p> <p>17 subject to the qualification, implication</p> <p>18 of privilege.</p> <p>19 BY MR. HALEY:</p> <p>20 Q. Were they elected officials?</p> <p>21 A. No, they were not.</p> <p>22 Q. Were they employed by the FBI?</p> <p>23 DIR MR. GRYGIEL: I instruct you not</p> <p>24 to answer that question based on the</p> <p>25 Reporter's Privilege.</p>

<p style="text-align: right;">Page 33</p> <p>1 JOEL CHEATWOOD</p> <p>2 A. I'm not answering based on the</p> <p>3 advice of counsel.</p> <p>4 Q. At any time, did any of the</p> <p>5 confidential sources that you're referring</p> <p>6 to disavow the information that you</p> <p>7 reported and tell you that Mr. Alharbi was</p> <p>8 not involved in the Boston Marathon</p> <p>9 attacks?</p> <p>10 A. No, they did not.</p> <p>11 Q. Mr. Cheatwood, I show you a copy</p> <p>12 of what's been marked as Exhibit 61.</p> <p>13 Have you seen this document</p> <p>14 before?</p> <p>15 A. Yes, I have.</p> <p>16 Q. And what is it?</p> <p>17 A. This was a report generated as</p> <p>18 part of, as I understand it, the event file</p> <p>19 relating to Mr. Alharbi.</p> <p>20 Q. Was this a document that was</p> <p>21 obtained by TheBlaze?</p> <p>22 A. Yes.</p> <p>23 Q. And how was it obtained?</p> <p>24 A. Obtained by Joe Weasel through a</p> <p>25 confidential source.</p>	<p style="text-align: right;">Page 35</p> <p>1 JOEL CHEATWOOD</p> <p>2 consultation with our attorney, and we also</p> <p>3 worked with all of the confidential sources</p> <p>4 to ensure that we were not in violation.</p> <p>5 Q. And who was your attorney?</p> <p>6 A. I don't recall.</p> <p>7 Q. Was your attorney someone</p> <p>8 representing TheBlaze?</p> <p>9 A. Yes.</p> <p>10 Q. Was there a written opinion or</p> <p>11 e-mail or anything else confirming that the</p> <p>12 document was not obtained illegally?</p> <p>13 A. No. I talked to him on the</p> <p>14 phone.</p> <p>15 Q. The person that you talked to on</p> <p>16 the phone, were they with a law firm in</p> <p>17 Texas?</p> <p>18 A. No. It was based in New York, I</p> <p>19 believe.</p> <p>20 Q. Somebody that TheBlaze had used</p> <p>21 before?</p> <p>22 A. Yes.</p> <p>23 Q. Were they paid for their</p> <p>24 services?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 34</p> <p>1 JOEL CHEATWOOD</p> <p>2 Q. Did you understand it to be a</p> <p>3 nonpublic document?</p> <p>4 A. I was unclear whether or not it</p> <p>5 was a nonpublic document. I knew it was a</p> <p>6 law enforcement document.</p> <p>7 Q. Did you ever take any steps to</p> <p>8 determine whether or not it was public?</p> <p>9 A. We took steps to ensure we had</p> <p>10 not gained it illegally.</p> <p>11 Q. Why were you concerned about</p> <p>12 whether you gained it illegally?</p> <p>13 A. We understood the sensitivity of</p> <p>14 the information.</p> <p>15 Q. What do you mean by that?</p> <p>16 A. We understood the grave nature</p> <p>17 of the allegation made, and wanted to</p> <p>18 ensure that we did not violate any laws in</p> <p>19 securing the information.</p> <p>20 Q. And did you make that</p> <p>21 determination?</p> <p>22 A. We did.</p> <p>23 Q. How did you make the</p> <p>24 determination?</p> <p>25 A. As I recall, we had a</p>	<p style="text-align: right;">Page 36</p> <p>1 JOEL CHEATWOOD</p> <p>2 Q. Other than that phone call, did</p> <p>3 they provide other services in connection</p> <p>4 with the reporting of this story?</p> <p>5 A. No.</p> <p>6 Q. And prior to the phone call, did</p> <p>7 you provide them with copies of this</p> <p>8 document?</p> <p>9 A. No, we did not.</p> <p>10 Q. Did you provide them with any</p> <p>11 other information or documents relating to</p> <p>12 your inquiry about whether the information</p> <p>13 had been obtained illegally?</p> <p>14 A. A basic description of the</p> <p>15 documents that we acquired.</p> <p>16 Q. Was that an oral description or</p> <p>17 written?</p> <p>18 A. Oral.</p> <p>19 Q. Mr. Cheatwood, I show you what's</p> <p>20 previously been marked as Exhibit 63 in</p> <p>21 this action, which is an e-mail between Mr.</p> <p>22 Weasel and somebody whose name has been</p> <p>23 redacted, with the subject line: "Abdul</p> <p>24 Rahman Ali Alharbi."</p> <p>25 Have you seen this document</p>

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1 JOEL CHEATWOOD
2 before?
3 A. I have not.
4 Q. In the e-mail, the first e-mail
5 in the chain sent Tuesday, April 16th at
6 9:33 a.m., Mr. Weasel is asking about
7 "somebody who can track this guy."
8 Do you know who he's referring
9 to there?
10 A. I do not.
11 Q. Mr. Cheatwood, I show you a copy
12 of what's previously been marked as
13 Exhibit 64 in this action.
14 This is an e-mail from somebody
15 with the address [REDACTED] to
16 another group of individuals.
17 Have you seen this e-mail or
18 e-mails like this before?
19 A. No, I haven't.
20 MR. GRYGIEL: Object to the
21 form. You may answer.
22 A. I have not.
23 Q. Do you know what this is?
24 A. I do not.
25 Q. Do you recognize any of the

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1 JOEL CHEATWOOD
2 names in the "To" part of the e-mail?
3 A. I do.
4 Q. Who is Sara Johnson?
5 A. Sara Johnson oversaw social
6 media for TheBlaze.
7 Q. And the text of the e-mail
8 appears to be a transcript of Mr. Beck's
9 radio program.
10 Did you receive copies of
11 transcripts of the radio or television
12 program every day?
13 MR. GRYGIEL: Object to the
14 form.
15 A. No, I did not.
16 Q. And the people in the e-mail,
17 the sender is using an AOL address and
18 there are a number of people using Gmail
19 addresses.
20 Did the people that were
21 employed by TheBlaze have their own company
22 e-mail?
23 A. Yes, they did.
24 Q. And who is Dan Andros?
25 A. Dan Andros is a writer for

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1 JOEL CHEATWOOD
2 Glenn's radio and television.
3 Q. Do you know why he's using
4 [REDACTED]?
5 A. I do not.
6 Q. To your knowledge, did he have a
7 Blaze e-mail address?
8 A. Yes, he did.
9 Q. Did Mr. Andros report to you?
10 A. Ultimately, yes.
11 Q. Mr. Cheatwood, I show you an
12 e-mail that's previously been marked as
13 Exhibit 66 in this action --
14 MR. GRYGIEL: 65 or 66?
15 MR. HALEY: 65, I'm sorry.
16 BY MR. HALEY:
17 Q. 65 in this action from Joe
18 Weasel to you dated April 18th at 3:54 p.m.
19 At the bottom of the e-mail,
20 there's an e-mail from Nick Jones to Joe
21 Weasel.
22 Who is Nick Jones?
23 A. Nick Jones is a producer/
24 videographer in Joe weasel's unit.
25 Q. And he's forwarding a link to a

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1 JOEL CHEATWOOD
2 story about Walid Shoebat, and your
3 response to Mr. Weasel is: "I wish we
4 could get this confirmed by someone else."
5 Why were you concerned with
6 getting the story confirmed with somebody
7 else?
8 MR. GRYGIEL: Object to the
9 form. You may answer.
10 A. We did not consider this
11 individual a strong source.
12 Q. In the next line of your e-mail
13 is: "I wonder if Sara has a connection on
14 this."
15 Who is Sara?
16 A. I believe I'm referring to Sara
17 Carter, who is a reporter for TheBlaze.
18 Q. Did you ever determine whether
19 or not Mr. Alharbi had ties to al Qaeda
20 terrorists?
21 A. We were told by our confidential
22 sources that there was a belief that he had
23 ties to terrorists, but we were never able
24 to get specifics, so we didn't report it.
25 Q. And in his response to you, Mr.

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1 JOEL CHEATWOOD
2 Weasel writes: "If survives today, he'll
3 give me a paper trail, and then somebody
4 else to -- they will be the best resources.
5 "I was asked to come to" -- and
6 it's redacted there -- "on Wednesday to
7 meet with, so I'll probably go."
8 Was Mr. Weasel asked to go to
9 Washington, D.C.?
10 MR. GRYGIEL: Object to the
11 form. You may answer.
12 A. Yes.
13 Q. And who was he meeting with
14 there?
15 MR. GRYGIEL: Objection.
16 A. Confidential sources.
17 Q. And when he's saying "it
18 survives today," do you know what he's
19 referring to there?
20 A. I do not.
21 Q. Do you personally maintain
22 copies of these e-mail messages that were
23 sent to you at TheBlaze?
24 A. No, I do not retain copies of
25 these.

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1 JOEL CHEATWOOD
2 Q. Mr. Cheatwood, I show you a copy
3 of a document that's previously been marked
4 as Exhibit 66 in this action from Jason
5 Howerton to Joe Weasel.
6 Who is Jason Howerton?
7 A. Jason Howerton is a writer for
8 theblaze.com.
9 Q. Did he report directly to you?
10 A. He reported to Scott Baker.
11 Q. In the third-to-last paragraph
12 of the e-mail, Mr. Howerton writes:
13 "It is unclear why federal
14 officials allegedly believed Alharbi was
15 linked to the Boston Marathon attack.
16 Simply being present at the scene could
17 possibly result in such a distinction."
18 Did you believe that that
19 statement was accurate, that Mr. Alharbi
20 may have been linked to the attacks simply
21 because he was present at the scene?
22 MR. GRYGIEL: Object to the
23 form. You may answer.
24 A. No, I did not.
25 Q. Why didn't you believe it to be

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1 JOEL CHEATWOOD
2 accurate?
3 A. Our confidential sources were
4 telling us definitively otherwise.
5 Q. The last line of the e-mail
6 says: "Federal officials have denied that
7 Alharbi is a suspect or even a person of
8 interest in the Boston bombings."
9 Did you believe those officials
10 were providing statements that were
11 purposely false?
12 A. Yes, I did.
13 Q. What did you believe their
14 motivation was in providing those
15 statements?
16 A. I have no idea. You'd have to
17 ask them.
18 Q. Did you ever ask them?
19 A. We certainly did.
20 Q. And what was their response?
21 A. No response.
22 Q. And the basis of your belief
23 that their statements were false was the
24 information provided to you by your
25 confidential sources?

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1 JOEL CHEATWOOD
2 MR. GRYGIEL: Object to the
3 form.
4 A. Information provided by multiple
5 confidential sources; perspective and
6 context provided by experts in the field.
7 Q. So the multiple confidential
8 sources would be the four people employed
9 by the government that you testified to
10 about previously; correct?
11 A. That's correct.
12 Q. And the experts providing
13 context in the field, who were they?
14 A. There were a variety.
15 Eric Stakelbeck was one who is
16 an expert in terms of Middle East
17 jihadists, has done a great deal of
18 research and authored a couple of books on
19 that.
20 Jason Butrell is a former
21 Army intelligence officer attached to Gavin
22 de Becker security detail that was working
23 for Glenn Beck at the time.
24 Patrick Poole was another --
25 there were a variety -- Andrew McCarthy,

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1 JOEL CHEATWOOD
2 former U.S. Attorney who prosecuted the
3 first World Trade Center bombing.
4 I'm sure I'm leaving several
5 out.
6 Q. Mr. Poole was one of the experts
7 that you relied upon in placing the matter
8 in context?
9 A. Yes.
10 (Exhibit 107 for
11 identification, Two-page document, Series
12 of e-mail messages, including e-mail dated
13 4/19 from Mr. Cheatwood to Mr. Weasel,
14 production numbers 35109 through 35110.)
15 BY MR. HALEY:
16 Q. Mr. Cheatwood, I show you what's
17 been marked as Exhibit 107, which is a
18 two-page e-mail message bearing the Bates
19 stamp numbers 35109 and 35110.
20 And on April 19th at 7:39 a.m.,
21 you're writing to Mr. Weasel saying:
22 "Wonder how our guy fits into
23 this."
24 Were you referring to Mr.
25 Alharbi there?

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1 JOEL CHEATWOOD
2 A. Yes.
3 MR. GRYGIEL: Take your time and
4 read the whole document so you have the
5 full context before you answer.
6 BY MR. HALEY:
7 Q. And this is in response to a
8 story about three Pakistanis arrested in
9 Watertown, Mass in connection to the Times
10 Square bombing; is that correct?
11 A. Yes.
12 Q. And Mr. Weasel replies:
13 "Same age student. Probably
14 knew each other."
15 Did you ever make any
16 determination about whether Mr. Alharbi
17 knew any of the three Pakistanis who were
18 arrested in connection to the Times Square
19 bombing?
20 A. We did not.
21 Q. And your response to Mr. Weasel
22 at 8:17 a.m. is:
23 "Can we get Sara and others to
24 start looking for possible connections?"
25 Who are you referring to there

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1 JOEL CHEATWOOD
2 with respect to "Sara"?
3 A. I believe, again, that's Sara
4 Carter.
5 Q. And at the top, your final
6 response to Mr. Weasel:
7 "Worth asking Patrick to help."
8 That was Mr. Poole?
9 A. That's correct.
10 Q. And when you say "worth asking,"
11 was there some cost to asking Mr. Poole to
12 help?
13 A. Not at all.
14 It was a reference to just
15 whether this would fall into his area of
16 expertise. And, again, I was reminded that
17 our government actually goes to him to
18 consult on terror cells and connections and
19 the like, so I think we did, in fact, pose
20 the question.
21 Q. Mr. Cheatwood, I show you a copy
22 of what's been marked as Exhibit 67.
23 And this is an e-mail from, at
24 the top, from Eric Stakelbeck to Joe
25 Weasel, and was this the Eric Stakelbeck

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1 JOEL CHEATWOOD
2 that you referred to earlier?
3 A. Yes.
4 Q. And you're writing to Mr.
5 Stakelbeck in the middle of the page there
6 at 3:47 p.m.
7 Your question to him is:
8 "Do you have any knowledge of
9 the Saudi national's (Al Harby) family or
10 clan connection in Saudi? I know Walid
11 Shoebat has published, but I'd like to have
12 another source before we go with it."
13 Did you ever make any
14 determinations about Mr. Alharbi's family
15 or clan connections?
16 A. We did not reach any definitive
17 conclusions that we felt comfortable going
18 forward with.
19 Q. And Mr. Stackelback's response
20 to you says: "I was just talking to
21 Emerson about this."
22 Do you know who he's referring
23 to there?
24 A. I believe he's referring to
25 Steve Emerson.

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1 JOEL CHEATWOOD
2 Q. Who is that?
3 A. Another noted authority on
4 terrorism and Middle East radicals.
5 (Exhibit 108 for
6 identification, E-mail from Ms. Grace to
7 Mr. Culligan, production numbers 35124.)
8 BY MR. HALEY:
9 Q. Mr. Cheatwood, I show you a copy
10 of what's been marked as Exhibit 108, which
11 is an e-mail message, Bates stamp number
12 35124.
13 Have you seen this before?
14 A. No, I have not.
15 Q. Do you know who Thomas Culligan
16 is?
17 A. I do not.
18 Q. And did Virginia Grace report to
19 you?
20 A. Ultimately, yes.
21 Q. And in her message to Mr.
22 Culligan, she's asking about Visa
23 revocation and deportation of Mr. Alharbi,
24 and it says: "I am under a deadline of
25 3 p.m. today so any response would be

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1 JOEL CHEATWOOD
2 greatly appreciated."
3 Was that a deadline for the
4 production of the television program?
5 A. I really can't speak to what she
6 was meaning here. I don't believe that was
7 the deadline for the TV program.
8 Q. To your knowledge, what was the
9 regular deadline for the TV program?
10 A. It varied depending on whether
11 the show was live or on tape. Live
12 programs, really, work was being unraveled
13 until the 5 o'clock air date.
14 Q. Was there a particular procedure
15 or format that you followed with respect to
16 the broadcast?
17 Did you meet as a group
18 regularly or how did that work?
19 MR. GRYGIEL: Object to the
20 form.
21 A. Yes. There were two editorial
22 meetings per day.
23 Q. When did those take place?
24 A. One took place early in the
25 morning prior to Glenn Beck's radio

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1 JOEL CHEATWOOD
2 program. The next took place typically 2,
3 2:30 in the afternoon.
4 Q. Was that in person or a
5 conference call?
6 A. Since the staff was split
7 between New York and Dallas, it was some in
8 person; some via conference call or Skype.
9 Q. Did Mr. Beck participate in
10 those meetings?
11 A. Yes.
12 Q. And who led those meetings?
13 A. Typically, he and I led the
14 meetings, especially in the morning.
15 In the afternoon, typically his
16 show producer led the afternoon meeting to
17 update the television show.
18 Q. And who was that?
19 A. Tiffany Siegel.
20 Q. What took place at the meetings?
21 A. In the morning meeting, there
22 was a basic discussion of current events
23 that had occurred either the previous day
24 or overnight or expected to occur that day.
25 Stories that had been planned,

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1 JOEL CHEATWOOD
2 reevaluated, reassessed, and a basic
3 outline of what the television show would
4 be that evening.
5 Q. And what took place in the
6 afternoon meeting?
7 A. In the afternoon was an update
8 on where stories stood, what had changed,
9 what had been added or subtracted, guests
10 that might have been added or subtracted.
11 Q. How did the radio program and
12 the television program differ?
13 A. Radio program was a different
14 production team. They typically held their
15 own production meeting in addition to the
16 morning one where everyone attended, and
17 they crafted the radio program with Glenn.
18 Q. Did you participate in that at
19 all?
20 A. Only to the extent that I was in
21 the morning meeting where everyone
22 attended.
23 Q. And with respect to the
24 television program, was it scripted in
25 advance?

<p style="text-align: right;">Page 53</p> <p>1 JOEL CHEATWOOD</p> <p>2 A. Yes.</p> <p>3 Q. And did somebody have authority</p> <p>4 to approve those scripts?</p> <p>5 A. Usually the show producer,</p> <p>6 Tiffany Siegel, would approve the scripts.</p> <p>7 Glenn Beck, of course, had the final</p> <p>8 approval.</p> <p>9 Q. Did you have any role in their</p> <p>10 approval?</p> <p>11 A. If there was any question or any</p> <p>12 sort of decision to be made as to whether</p> <p>13 or not we wanted something, I would be</p> <p>14 involved in that, yes.</p> <p>15 Q. And with respect to the radio</p> <p>16 program, was that scripted as well?</p> <p>17 A. I would say not scripted.</p> <p>18 Outlined more than scripted.</p> <p>19 Occasionally, there were</p> <p>20 monologues that were scripted, but</p> <p>21 typically outlined.</p> <p>22 Q. Mr. Cheatwood, I show you a copy</p> <p>23 of what's previously marked as Exhibit 68,</p> <p>24 which is transcripts from the Glenn Beck</p> <p>25 radio program, and direct your attention to</p>	<p style="text-align: right;">Page 55</p> <p>1 JOEL CHEATWOOD</p> <p>2 Alharbi was?</p> <p>3 MR. GRYGIEL: Object to the</p> <p>4 form.</p> <p>5 A. I don't know why he did not want</p> <p>6 to name Mr. Alharbi at that point.</p> <p>7 Q. And on the next page of the</p> <p>8 exhibit, page 20, Mr. Beck asks Mr. Sexton:</p> <p>9 "Do you believe that he was</p> <p>10 there just by happenstance? Is that very</p> <p>11 likely?"</p> <p>12 And Mr. Sexton answers:</p> <p>13 "Glenn, I don't know."</p> <p>14 Did you have any information on</p> <p>15 April 19th that Mr. Alharbi was not there</p> <p>16 just by happenstance?</p> <p>17 MR. GRYGIEL: Objection.</p> <p>18 A. We did not.</p> <p>19 Q. If I could direct your attention</p> <p>20 to page 28 of the transcript --</p> <p>21 A. Excuse me, could I ask you to go</p> <p>22 back and ask the previous question again?</p> <p>23 I just want to make sure I</p> <p>24 answered that correctly.</p> <p>25 MR. HALEY: The easiest way to</p>
<p style="text-align: right;">Page 54</p> <p>1 JOEL CHEATWOOD</p> <p>2 page Bates stamp numbered 889 on the bottom</p> <p>3 right-hand corner, which is page 19 of the</p> <p>4 transcript.</p> <p>5 Mr. Beck, on page 19, is talking</p> <p>6 to Buck Sexton. Who is Buck Sexton?</p> <p>7 A. Buck Sexton is an employee of</p> <p>8 TheBlaze who is a former CIA analyst and</p> <p>9 former New York PD Antiterrorism Task Force</p> <p>10 employee.</p> <p>11 Q. And did you believe Mr. Sexton</p> <p>12 was a credible person?</p> <p>13 A. Yes.</p> <p>14 Q. And did you think his</p> <p>15 information was trustworthy and accurate?</p> <p>16 A. Yes.</p> <p>17 Q. At the top of page 19, Mr. Beck</p> <p>18 is saying: "Without getting into details</p> <p>19 of who this guy is yet, can you tell me, do</p> <p>20 you believe this was a coincidence that he</p> <p>21 happened to be standing there, right there</p> <p>22 by the bomb? Was he possibly the control?"</p> <p>23 Was there some reason why on</p> <p>24 April 19th, to your knowledge, Mr. Beck</p> <p>25 didn't want to get into details of who Mr.</p>	<p style="text-align: right;">Page 56</p> <p>1 JOEL CHEATWOOD</p> <p>2 do that is have her read it back.</p> <p>3 I'll have her read the question</p> <p>4 and your answer, and then if you want to</p> <p>5 provide more testimony or a correction,</p> <p>6 you're welcome to.</p> <p>7 (Requested portion of record</p> <p>8 read.)</p> <p>9 A. Can you rephrase that question?</p> <p>10 MR. GRYGIEL: I think the</p> <p>11 double-negatives are confusing.</p> <p>12 A. I want to make sure I'm</p> <p>13 understanding the meaning of the question.</p> <p>14 Q. Sure. So my question is this:</p> <p>15 Mr. Sexton, in response to Mr.</p> <p>16 Beck's questions about whether, you know,</p> <p>17 Mr. Sexton believes that Mr. Alharbi was</p> <p>18 there just by chance or happenstance, Mr.</p> <p>19 Sexton says: "I don't know."</p> <p>20 And my question to you was:</p> <p>21 Did you have any information</p> <p>22 that Mr. Alharbi was not there just by</p> <p>23 happenstance?</p> <p>24 In other words, that he was</p> <p>25 there purposely -- at that point,</p>

<p style="text-align: right;">Page 57</p> <p>1 JOEL CHEATWOOD</p> <p>2 April 19th -- that he was there purposely</p> <p>3 to undertake some criminal or terrorist</p> <p>4 act?</p> <p>5 MR. GRYGIEL: Objection to the</p> <p>6 form.</p> <p>7 A. We had, through confidential</p> <p>8 sources, information that linked Mr.</p> <p>9 Alharbi to the crime. So, yes, we believe</p> <p>10 that he was there as a part of the crime</p> <p>11 that was committed.</p> <p>12 Q. And was there a reason then why</p> <p>13 Mr. Beck wasn't speaking about that on the</p> <p>14 April 19th? Were you trying to get more</p> <p>15 verification or information?</p> <p>16 A. I can't speak to exactly why he</p> <p>17 was not identifying Mr. Alharbi on this</p> <p>18 date. I just don't recall.</p> <p>19 Q. And on page 28 of Exhibit 68,</p> <p>20 following along in the transcript on</p> <p>21 April 19th, Mr. Beck, starting on line 5,</p> <p>22 says: "But when I found yesterday who that</p> <p>23 guy is and what we have on him and how our</p> <p>24 media was rooting for an American to be the</p> <p>25 killer; and how our president, this</p>	<p style="text-align: right;">Page 59</p> <p>1 JOEL CHEATWOOD</p> <p>2 Boston bombing.</p> <p>3 Q. And it was your belief that the</p> <p>4 Department of Homeland Security and the</p> <p>5 Administration was covering up that</p> <p>6 involvement?</p> <p>7 A. Based on the information</p> <p>8 provided by our confidential sources, it</p> <p>9 was clear that they were not being</p> <p>10 forthcoming.</p> <p>11 Q. And did you understand why they</p> <p>12 weren't being forthcoming?</p> <p>13 A. I did not.</p> <p>14 Q. Directing your attention to the</p> <p>15 next page of the transcript, on page 29,</p> <p>16 Mr. Steve Emerson is speaking, and Mr.</p> <p>17 Emerson was an expert that you relied upon;</p> <p>18 is that correct?</p> <p>19 A. That's correct.</p> <p>20 Q. And Mr. Emerson, in referring to</p> <p>21 Secretary Janet Napolitano, says:</p> <p>22 "Janet Napolitano" -- the next</p> <p>23 day -- "yesterday morning, denied any</p> <p>24 knowledge of this," referring to Mr.</p> <p>25 Alharbi's alleged violation of his Visa.</p>
<p style="text-align: right;">Page 58</p> <p>1 JOEL CHEATWOOD</p> <p>2 Administration, the Department of Homeland</p> <p>3 Security and everything else, how they have</p> <p>4 covered this up, how they have aided and</p> <p>5 abetted this guy is obscene and it's</p> <p>6 criminal," what information did you have,</p> <p>7 Mr. Cheatwood, that the Department of</p> <p>8 Homeland Security, President Obama or the</p> <p>9 Administration was covering up Mr.</p> <p>10 Alharbi's involvement in the Boston</p> <p>11 Marathon attacks?</p> <p>12 MR. GRYGIEL: Object to the</p> <p>13 form. It also might be helpful to read the</p> <p>14 preceding part of this, Joel, so you get</p> <p>15 the full context.</p> <p>16 A. Okay. Can you repeat the</p> <p>17 question, please.</p> <p>18 (Requested portion of record</p> <p>19 read.)</p> <p>20 MR. GRYGIEL: Object to the</p> <p>21 form.</p> <p>22 A. At this point, we had</p> <p>23 information from our confidential sources</p> <p>24 as to Mr. Alharbi's involvement, and</p> <p>25 evidence that he was connected to the</p>	<p style="text-align: right;">Page 60</p> <p>1 JOEL CHEATWOOD</p> <p>2 And Mr. Beck says: "She lied."</p> <p>3 Did you have any knowledge that</p> <p>4 Secretary Napolitano was lying when she</p> <p>5 denied Mr. Alharbi's involvement?</p> <p>6 MR. GRYGIEL: Object to the form</p> <p>7 of the question.</p> <p>8 A. Based on the information that</p> <p>9 was provided to us by our confidential</p> <p>10 sources, it was clear that her statements</p> <p>11 were certainly not congruent with the</p> <p>12 evidence that was in existence.</p> <p>13 Q. And at the bottom of the page,</p> <p>14 Mr. Beck states: "Steve, I can, because we</p> <p>15 have six Congressmen follow, go into things</p> <p>16 that we can't go into, and they looked at</p> <p>17 documents."</p> <p>18 Do you know what documents Mr.</p> <p>19 Beck is referring to there?</p> <p>20 A. My understanding was the</p> <p>21 Congressmen that he's referring to had the</p> <p>22 same documents that we had acquired.</p> <p>23 Q. And those were the documents</p> <p>24 that we previously reviewed, Document 60</p> <p>25 and 61; is that correct?</p>

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1 JOEL CHEATWOOD
2 A. At least those. We don't know
3 if they had -- they've had more than we
4 had. I'm not sure.
5 Q. With respect to the documents
6 that you had, however, those documents were
7 confined to Exhibits 60 and 61; is that
8 correct?
9 MR. GRYGIEL: Object to the
10 form.
11 A. I believe so, yes.
12 Q. Were the Congressmen themselves
13 your confidential sources?
14 MR. GRYGIEL: Objection.
15 A. I can't answer on advice of
16 counsel.
17 MR. GRYGIEL: And on the basis
18 of the First Amendment Reporter's Privilege
19 that you're independently asserting, apart
20 from my advice.
21 A. It was also based on the First
22 Amendment Reporter Privilege.
23 Q. Mr. Cheatwood, I'll direct your
24 attention to page 45 of the transcript of
25 April 19th, which has the Bates stamp

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1 JOEL CHEATWOOD
2 number 915 in the bottom right-hand corner.
3 Mr. Beck is speaking to Patrick
4 Poole about the events involving the
5 Tsaernaev brothers and the Boston Marathon
6 investigation, and Mr. Poole, on line 19,
7 says: "And we have to implement the
8 75 percent rule. You know, 75 percent of
9 what we hear just will probably end up
10 being wrong."
11 Was that a statement that you
12 agreed with, Mr. Cheatwood?
13 MR. GRYGIEL: Object to the
14 form, and object to the context in which
15 the question is presented.
16 A. I have no understanding of how
17 he bases that opinion. I couldn't comment
18 on that opinion.
19 Q. Would you agree, though, that in
20 the immediate aftermath of an event,
21 oftentimes there is a lot of information
22 that turns out to be inaccurate?
23 MR. GRYGIEL: Object to the
24 form.
25 A. I think with any news event or

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1 JOEL CHEATWOOD
2 news story, there is information that does,
3 in fact, turn out to be either out of
4 context or inaccurate.
5 Q. Directing your attention to page
6 48 of the transcript, Bates stamp number
7 918, and there, Mr. Beck states:
8 "While we have six Congressmen
9 yesterday afternoon that verified that the
10 event, which is basically the name of a
11 file that was opened, says that he was
12 being deported on terrorism charges, and
13 then I believe it was either a dash or a
14 hash, and it said 'Boston Marathon
15 bombing,' so he was related to this somehow
16 or another, but how? Do you have any idea
17 on any speculation there?"
18 And at that point, Mr. Poole
19 states:
20 "At this point, we don't know
21 how he might be related."
22 Was that statement accurate as
23 of April 19th, Mr. Cheatwood, that at that
24 point, neither Mr. Poole or anyone else at
25 TheBlaze knew how Mr. Alharbi might be

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1 JOEL CHEATWOOD
2 related to the Boston Marathon attacks?
3 MR. GRYGIEL: Object to the
4 form, and also there's been no foundation
5 that Mr. Poole was in the employment of
6 TheBlaze at the time this statement was
7 made, unless there's no basis for
8 attributing or ascribing his statement to
9 any defendant in this case.
10 BY MR. HALEY:
11 Q. Mr. Poole was a source that
12 TheBlaze relied on; correct?
13 A. Yes.
14 Q. And you testified earlier that
15 he was a reliable and trustworthy source;
16 is that correct?
17 A. Yes.
18 Q. And Mr. Poole is saying -- and
19 he's using the word "we" -- "At this point,
20 we don't know how he might be related," and
21 "he" is referring to Mr. Alharbi.
22 Did you believe that statement
23 was inaccurate?
24 MR. GRYGIEL: Object to the
25 form.

<p>Page 65</p> <p>1 JOEL CHEATWOOD</p> <p>2 A. I can't speak to what Mr. Poole</p> <p>3 and what information he was basing that on.</p> <p>4 I do know that Mr. Poole did not</p> <p>5 have access to the confidential sources</p> <p>6 that we were drawing our information from.</p> <p>7 Q. And who had access to those</p> <p>8 sources?</p> <p>9 A. Joe Weasel had direct contact</p> <p>10 with those sources.</p> <p>11 Q. Did you ever have any direct</p> <p>12 contact with those sources?</p> <p>13 A. I had direct contact with one.</p> <p>14 Q. Other than you and Mr. Weasel,</p> <p>15 who had contact with the sources?</p> <p>16 A. In terms of TheBlaze, that was</p> <p>17 it.</p> <p>18 Q. And what about not in terms of</p> <p>19 TheBlaze?</p> <p>20 A. I can't answer who they had</p> <p>21 contact with. I have no idea.</p> <p>22 Q. On page 51 of the transcript,</p> <p>23 Bates stamp number 921, Mr. Beck --</p> <p>24 continuing a discussion with Mr. Poole --</p> <p>25 states:</p>	<p>Page 67</p> <p>1 JOEL CHEATWOOD</p> <p>2 organizations."</p> <p>3 Do you know what he's referring</p> <p>4 to there?</p> <p>5 A. We shared the basic facts of the</p> <p>6 story with other news organizations and</p> <p>7 offered to really allow them to conduct</p> <p>8 their own investigation/reporting.</p> <p>9 Q. And what organizations were</p> <p>10 those?</p> <p>11 A. I know specifically Fox News.</p> <p>12 I had conversations with the</p> <p>13 Wall Street Journal.</p> <p>14 Q. Anyone else?</p> <p>15 A. Let's see -- and I believe ABC</p> <p>16 News.</p> <p>17 Q. Did you have conversations with</p> <p>18 anyone at ABC News?</p> <p>19 A. I did not.</p> <p>20 Q. How about Fox News?</p> <p>21 A. I did not have a direct</p> <p>22 conversation.</p> <p>23 Q. Who did you speak to at the Wall</p> <p>24 Street Journal?</p> <p>25 A. I don't recall the name. I</p>
<p>Page 66</p> <p>1 JOEL CHEATWOOD</p> <p>2 "There are very good people" --</p> <p>3 this is line 19 -- "There are very good</p> <p>4 people that have risked more than their job</p> <p>5 to give TheBlaze and others now this</p> <p>6 information.</p> <p>7 "TheBlaze is the one that is</p> <p>8 reporting all of it because we have all of</p> <p>9 it, but we have shared it with other media</p> <p>10 organizations."</p> <p>11 Do you know what Mr. Beck is</p> <p>12 referring to there, that people had risked</p> <p>13 more than their job to give TheBlaze</p> <p>14 information?</p> <p>15 MR. GRYGIEL: Object to the</p> <p>16 form.</p> <p>17 A. We believe that the confidential</p> <p>18 sources were risking their careers in</p> <p>19 providing that information.</p> <p>20 Q. And why was that?</p> <p>21 A. Clearly this was information</p> <p>22 that the government did not want made</p> <p>23 public.</p> <p>24 Q. And Mr. Beck states: "But we</p> <p>25 have shared it with other media</p>	<p>Page 68</p> <p>1 JOEL CHEATWOOD</p> <p>2 didn't know the person well. It was one of</p> <p>3 their editorial board.</p> <p>4 Q. Did Fox News, the Wall Street</p> <p>5 Journal or ABC News pursue the story?</p> <p>6 A. I don't know.</p> <p>7 Q. Were you aware of any other</p> <p>8 media source such as Fox, the Wall Street</p> <p>9 Journal or ABC that reported that Mr.</p> <p>10 Alharbi funded the Boston Marathon attacks?</p> <p>11 MR. GRYGIEL: Object to the</p> <p>12 form.</p> <p>13 A. I am not aware that they did.</p> <p>14 Q. And what was the motivation in</p> <p>15 speaking to other media organizations?</p> <p>16 A. We felt the story was of the</p> <p>17 importance that it was -- we shouldn't be</p> <p>18 the exclusive reporter of the story.</p> <p>19 We were more than willing to</p> <p>20 share facts and information in order to get</p> <p>21 the message out to a broader audience.</p> <p>22 Q. And was that simply an</p> <p>23 altruistic public good motivation?</p> <p>24 MR. GRYGIEL: Object to the</p> <p>25 form.</p>

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1 JOEL CHEATWOOD
2 A. Yes.
3 Q. And would the reporting by other
4 media or news organization also lend some
5 additional credibility to your reporting?
6 MR. GRYGIEL: Object to the
7 form.
8 A. We weren't concerned about
9 credibility based on the information and
10 the quality of information being provided
11 by multiple confidential sources.
12 We just felt a broader
13 distribution would be meaningful to the
14 public.
15 Q. Do you have any role in the
16 business side of TheBlaze?
17 A. Not really, no.
18 Q. When you say "not really," did
19 you have any role?
20 A. I was kept apprised. Did not
21 make decisions regarding the business side.
22 Q. Was your compensation at all
23 dependant on business returns of TheBlaze
24 or the amount of money that was generated
25 through advertising or otherwise?

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1 JOEL CHEATWOOD
2 A. No.
3 MR. GRYGIEL: We've been going
4 for an hour. Why don't we take 5 minutes.
5 MR. HALEY: Sure.
6 (A recess was taken.)
7 BY MR. HALEY:
8 A. Can I make one addition to my
9 experience, when you were asking about my
10 experience in television?
11 Q. Yes.
12 A. While at WCBS, I also served as
13 the executive vice president for news and
14 marketing for all the CBS owned and
15 operated stations.
16 Q. With respect to CBS's
17 operations, do they have written policies
18 and procedures that govern their reporting?
19 A. To the best of my recollection,
20 we did not have a written policy that was
21 standard at the station.
22 Q. How was it that CBS made a
23 determination as to what to air or
24 broadcast or not?
25 A. Typically relied on the

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1 JOEL CHEATWOOD
2 judgement of the news managers in charge.
3 Q. So with respect to things such
4 as the use of confidential sources or the
5 like, CBS had no written policy or
6 statement that governed that?
7 A. I just don't recall. I don't
8 recall seeing one.
9 Q. And was that something that you
10 were involved in, in connection with your
11 role at CBS?
12 Would you the person who would
13 be responsible for ensuring that people
14 complied with uniform policy as to
15 reporting?
16 A. At the local level, it would
17 have been the news director and the general
18 manager of the specific station. If it
19 escalated something that was deemed more
20 important than just local, yes.
21 Q. Is it fair to say with respect
22 to those policies, that the general purpose
23 of them is to ensure that the information
24 that is reported is fair, accurate and
25 truthful?

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1 JOEL CHEATWOOD
2 MR. GRYGIEL: Object to the
3 form.
4 A. Yes.
5 Q. And one of the reasons for that
6 is that publishing information that's false
7 or inaccurate can have a very adverse
8 effect on, one, misleading the public; and
9 two, can have a demonstrated unfairness to
10 the people who are being reported about?
11 MR. GRYGIEL: Object to the
12 form. That's a sermon, Peter. Not a
13 question.
14 A. That certainly can be an
15 eventuality.
16 The other aspect of the
17 situation with a station group is you have
18 multiple managers involved in the process,
19 so it's important that they know
20 individually what the process is.
21 At TheBlaze, again, I was the
22 sort of conduit to everything.
23 Q. During your tenure at TheBlaze,
24 did Mr. Beck ever publish anything or
25 broadcast or say anything publicly on the

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1 JOEL CHEATWOOD
2 air that you disagreed with or you thought
3 was inconsistent with the policies and
4 procedures that you were in charge of
5 enforcing?
6 MR. GRYGIEL: Object to the
7 form.
8 A. I would say Mr. Beck had a
9 three-hour opinion-based radio show.
10 In terms of what I dealt with at
11 TheBlaze, no.
12 Q. Was the radio show, was it also
13 broadcast? Was it also televised?
14 A. Yes, simulcast.
15 Q. If I could direct your attention
16 to page 66 of Exhibit 68, Bates stamp
17 number 936, continues with the transcript
18 of April 19th.
19 There, Mr. Beck, starting on
20 line 11, states: "I have asked my staff
21 over and over and over again, and my senior
22 staff, Joel Cheatwood, has been in my
23 office about how many times, I don't even
24 know, ten in the last 24 hours for this
25 question: 'Are you sure?' 'Have you

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1 JOEL CHEATWOOD
2 double-checked?' 'Have you triple-checked?'
3 'Are you sure?'"
4 In this period of time,
5 April 18th to April 19th, were you speaking
6 to Mr. Beck a lot about the Alharbi story?
7 A. Yes, I was.
8 Q. And was Mr. Beck asking you for
9 confirmation in terms of, have you
10 double-checked or triple-checked?
11 A. Absolutely.
12 Q. And did you provide that
13 information?
14 A. Yes, I did.
15 Q. With respect to that question,
16 have you double-checked or triple-checked,
17 is that something that you responded to
18 affirmatively?
19 A. Yes, I did.
20 Q. And with respect to something
21 being double-checked or triple-checked,
22 that would refer, I assume, to having
23 multiple sources?
24 A. Multiple sources, and also going
25 back to those sources as questions arose as

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1 JOEL CHEATWOOD
2 potential new evidence presented itself, we
3 went back to them hundreds of times.
4 Q. And the multiple sources that
5 you had were the four confidential sources?
6 A. Those were the primary
7 confidential sources, yes.
8 Q. When you say "we went back to
9 them hundreds of times," who are you
10 referring to when you say "we"?
11 A. Joe Weasel at my direction.
12 Q. And you testified earlier that
13 you spoke to one confidential source
14 directly.
15 How many times did you speak to
16 that source?
17 A. I believe only one -- I believe
18 on two occasions.
19 Q. And when was that?
20 A. The first occasion would have
21 occurred right around, I believe, the 19th.
22 Maybe the 18th.
23 Q. And when was the second
24 occasion?
25 A. I believe the second occasion

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1 JOEL CHEATWOOD
2 was actually quite a bit later in May. I
3 don't recall the exact date.
4 Q. Prior to those occasions, did
5 you know or had you spoken to that source
6 before?
7 A. No.
8 Q. And since May of 2013, have you
9 spoken to the source after that?
10 A. Let me go back, if I may.
11 I knew of the source. Had not
12 personally spoken to them.
13 Q. And had you ever met them?
14 A. Prior to my conversations, no.
15 Q. And were your conversations by
16 phone or in person?
17 A. One by phone; one in person.
18 Q. Which was which, April or May?
19 A. April was by phone.
20 Q. And in May you met in person?
21 A. Yes.
22 Q. Where did you meet?
23 A. In Washington, D.C.
24 Q. What was the purpose of that
25 meeting?

<p style="text-align: right;">Page 77</p> <p>1 JOEL CHEATWOOD</p> <p>2 A. The --</p> <p>3 MR. GRYGIEL: Are we talking</p> <p>4 about the April phone call or the May</p> <p>5 meeting?</p> <p>6 MR. HALEY: The May meeting.</p> <p>7 A. The May meeting was a general</p> <p>8 information meeting on a variety of topics.</p> <p>9 Q. And did the topics include the</p> <p>10 information about Mr. Alharbi?</p> <p>11 A. Yes, I believe it did.</p> <p>12 Q. How long did the phone</p> <p>13 conversation on April 18th or 19th take?</p> <p>14 A. To the best of my recollection,</p> <p>15 it was a 30 or 40-minute phone call.</p> <p>16 Q. Was anyone else on the call</p> <p>17 besides you and the source?</p> <p>18 A. No.</p> <p>19 Q. To your knowledge, other than</p> <p>20 you and Mr. Weasel, does anybody else at</p> <p>21 TheBlaze know the identity of the sources?</p> <p>22 A. No, I don't believe so.</p> <p>23 Q. Mr. Beck?</p> <p>24 A. I don't believe so.</p> <p>25 Q. Did Mr. Beck ever ask you the</p>	<p style="text-align: right;">Page 79</p> <p>1 JOEL CHEATWOOD</p> <p>2 Congressional aide, do you know who that</p> <p>3 was?</p> <p>4 MR. GRYGIEL: Without</p> <p>5 identification, if it's a confidential</p> <p>6 source.</p> <p>7 A. I can't say for certain that I</p> <p>8 know who that is.</p> <p>9 Q. And going on, Mr. Beck states:</p> <p>10 "He requested anonymity to</p> <p>11 protect those who had secretly provided the</p> <p>12 report, but proceeded to read to us the</p> <p>13 eight-page document which confirmed every</p> <p>14 single detail we reported yesterday and</p> <p>15 throughout the day."</p> <p>16 Do you know what document Mr.</p> <p>17 Beck is referring to there?</p> <p>18 A. I believe this would have been</p> <p>19 the document that contained the tech files.</p> <p>20 Q. Which would be the Exhibit 60</p> <p>21 that we looked at earlier?</p> <p>22 A. Yes.</p> <p>23 Q. Directing your attention to page</p> <p>24 94 of Exhibit 68, continuing on the</p> <p>25 April 19th transcript, Mr. Beck is speaking</p>
<p style="text-align: right;">Page 78</p> <p>1 JOEL CHEATWOOD</p> <p>2 identity of the sources?</p> <p>3 A. Never asked for their names.</p> <p>4 Q. Mr. Cheatwood, if I could direct</p> <p>5 your attention to page 79 of the</p> <p>6 transcript, bearing the Bates stamp 949.</p> <p>7 In there, on line 15, Mr. Beck</p> <p>8 makes reference to Mr. Alharbi's apartment</p> <p>9 in Revere, Massachusetts, and then says:</p> <p>10 "It was raided."</p> <p>11 Do you know whether Mr. Alharbi</p> <p>12 gave permission for the authorities to</p> <p>13 search his apartment or they searched it</p> <p>14 without his permission?</p> <p>15 A. I believe he was notified that</p> <p>16 the search was going to take place, and I</p> <p>17 believe he did not try to stop them.</p> <p>18 Q. On page 81 of the transcript,</p> <p>19 Mr. Beck is testifying about a high-ranking</p> <p>20 Congressional aide "who told us that the</p> <p>21 deportation order that we had just reported</p> <p>22 on had just been requested and delivered to</p> <p>23 his boss." That's on line 15 ending on</p> <p>24 line 19.</p> <p>25 Was the high-ranking</p>	<p style="text-align: right;">Page 80</p> <p>1 JOEL CHEATWOOD</p> <p>2 to Glen Hall.</p> <p>3 Who is Glen Hall?</p> <p>4 A. At the time, Glen Hall was the</p> <p>5 managing editor of theblaze.com.</p> <p>6 Q. And there, Mr. Beck asks Mr.</p> <p>7 Hall on page 94, line 10:</p> <p>8 "Boy, I tell you, Glen, I mean,</p> <p>9 you know all about it. Would you find out</p> <p>10 where his status is and keep us up to speed</p> <p>11 on if they're trying to move him out of the</p> <p>12 country sooner than Tuesday?"</p> <p>13 And Mr. Hall responds by saying:</p> <p>14 "We're working on that,</p> <p>15 absolutely, Glenn. And you know that early</p> <p>16 indications from inside the FBI were that</p> <p>17 they do not consider him to have been</p> <p>18 involved in this activity, but he was a</p> <p>19 material witness at the very least."</p> <p>20 Do you believe that that</p> <p>21 statement was inaccurate, the FBI's</p> <p>22 statement that they did not believe Mr.</p> <p>23 Alharbi was involved in the activity?</p> <p>24 MR. GRYGIEL: Object to the</p> <p>25 form.</p>

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1 JOEL CHEATWOOD
2 A. Yes, I believe it was
3 inaccurate.
4 Mr. Hall did not have access to
5 the confidential sources that were being
6 used by TheBlaze television and was relying
7 on FBI information from people who were not
8 directly involved with the investigation.
9 Q. And is it your belief that the
10 FBI people, FBI personnel who were saying
11 that Mr. Alharbi was not involved were
12 covering something up, or just didn't have
13 the same information that you had?
14 MR. GRYGIEL: Object to the
15 form.
16 A. I can't speak for their motives.
17 I can only say that based on the
18 confidential sources that we had providing
19 the information and evidence, they provided
20 the statements that the FBI had were not
21 accurate.
22 Q. And what exactly did the
23 confidential sources say about Mr.
24 Alharbi's role in funding the attacks?
25 A. They believe that Mr. Alharbi

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1 JOEL CHEATWOOD
2 provided funding and probably organization
3 to the group that committed the attacks.
4 Q. And the basis of that belief was
5 what?
6 A. The basis of that belief was two
7 things, really. The evidence that he did
8 not detonate the bombs physically, but that
9 he had been designated as a terrorist
10 212(3)(B).
11 The fact that based on the
12 experience of the senior law enforcement
13 officials, who were our confidential
14 sources, that's how it would have worked,
15 and that would have been his involvement in
16 the organization.
17 Q. And to your knowledge, did any
18 of those sources have any information that
19 showed a transfer of funds or expenditure
20 of funds by Mr. Alharbi for the benefit of
21 the terrorists?
22 A. I don't know.
23 Q. And do you have any
24 understanding or belief as to why Mr.
25 Alharbi was not prosecuted for those

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1 JOEL CHEATWOOD
2 matters?
3 A. I do not.
4 Q. And is it your understanding or
5 belief that the government simply chose not
6 to prosecute him even though they knew he
7 was involved?
8 A. I can't speak to the
9 government's motivation.
10 Q. Mr. Cheatwood, I show you what's
11 previously been marked as Exhibit 69 in
12 this matter.
13 Have you seen this before?
14 A. Yes.
15 Q. Is this person one of the
16 confidential sources?
17 A. I don't know.
18 Q. Did you ever ask Mr. Weasel
19 whether the person in this e-mail was one
20 of the confidential sources?
21 A. This e-mail was not directed to
22 me so I don't know.
23 Q. I direct your attention to
24 Exhibit Number 70, which is Mr. Weasel
25 forwarding this e-mail to you on Saturday,

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1 JOEL CHEATWOOD
2 April 20th at 3:55, and he says "From" --
3 and that's redacted -- "does this help?"
4 So when you received this, did
5 you ask him whether or not -- or did you
6 have an understanding of whether or not
7 this person was one of the confidential
8 sources?
9 MR. GRYGIEL: Object to the
10 form, and which person, Peter, are you
11 referring to?
12 MR. HALEY: I'm referring to the
13 person who sent the e-mail dated Saturday,
14 April 20, 2013 at 11:06 a.m.
15 MR. GRYGIEL: Okay.
16 A. It was my understanding this was
17 from a confidential source.
18 Q. To your knowledge, did you make
19 any response to Mr. Weasel's inquiry:
20 "Does this help?"
21 A. I don't recall.
22 Q. Do you know what he's referring
23 to there, in terms of helping?
24 A. To the best of my recollection,
25 I had requested that Mr. Weasel and his

<p style="text-align: right;">Page 85</p> <p>1 JOEL CHEATWOOD</p> <p>2 staff begin a timeline of events as to what</p> <p>3 transpired in the days following the Boston</p> <p>4 bombing, including the various government</p> <p>5 assertions as to what had happened and Mr.</p> <p>6 Alharbi's involvement.</p> <p>7 Q. And is there anything in that</p> <p>8 Saturday, April 20th e-mail at 11:06 a.m.</p> <p>9 that led you to believe that Mr. Alharbi</p> <p>10 played some role in funding the attack?</p> <p>11 A. Let me re-read that.</p> <p>12 Q. Sure.</p> <p>13 A. This e-mail doesn't specifically</p> <p>14 refer to Mr. Alharbi's role.</p> <p>15 That information came from</p> <p>16 direct conversations between Joe Weasel and</p> <p>17 our confidential sources.</p> <p>18 Q. On the line item there,</p> <p>19 April 17th, it states:</p> <p>20 "Officials cleared Alharbi, who</p> <p>21 is reportedly related to al Qaeda Gitmo</p> <p>22 detainees, as a person of interest."</p> <p>23 Did you ever receive any</p> <p>24 information or make any determination that</p> <p>25 Mr. Alharbi was related to al Qaeda</p>	<p style="text-align: right;">Page 87</p> <p>1 JOEL CHEATWOOD</p> <p>2 A. They reviewed the facts that we</p> <p>3 presented on air.</p> <p>4 Q. For every broadcast?</p> <p>5 A. Not for every broadcast.</p> <p>6 I think when we were introducing</p> <p>7 new facts, we always fact-checked not only</p> <p>8 through our confidential sources, but</p> <p>9 really our experts as well.</p> <p>10 Q. And in the second paragraph</p> <p>11 there, Mr. Weasel says: "For every serve</p> <p>12 we make, they are ready to return."</p> <p>13 Do you know who Mr. Weasel is</p> <p>14 referring to there, when he says "they are</p> <p>15 ready to return"?</p> <p>16 A. I believe the "they" would refer</p> <p>17 to the U.S. government.</p> <p>18 Q. Was it Mr. Weasel's belief, to</p> <p>19 your knowledge, that the U.S. government</p> <p>20 was trying to prevent the accurate</p> <p>21 information of the story from coming out?</p> <p>22 MR. GRYGIEL: Object to the</p> <p>23 form.</p> <p>24 A. Yes. Mine as well.</p> <p>25 Q. That was your belief as well?</p>
<p style="text-align: right;">Page 86</p> <p>1 JOEL CHEATWOOD</p> <p>2 detainees at Guantanamo Bay?</p> <p>3 A. We did not receive specific</p> <p>4 information in that regard.</p> <p>5 Q. Mr. Cheatwood, I show you what's</p> <p>6 previously been marked as Exhibit 71 in</p> <p>7 this action, which is, at the top, an</p> <p>8 e-mail from Joe Weasel to you dated</p> <p>9 Saturday at 4:58 p.m.</p> <p>10 And the e-mails, which start on</p> <p>11 the second page with a Bates stamp number</p> <p>12 35535 on April 20th at 4:36 p.m., Mr.</p> <p>13 Weasel writes: "I think it would be wise</p> <p>14 to keep the stuff Glenn mentions on air</p> <p>15 tightly scripted. I have a few concerns.</p> <p>16 "One, that they will claim this</p> <p>17 is a police investigation. I want to make</p> <p>18 sure that I get somebody to look over what</p> <p>19 we're going to say on air."</p> <p>20 Was that person that Mr. Weasel</p> <p>21 is referring to one of the confidential</p> <p>22 sources?</p> <p>23 A. Yes, I believe so.</p> <p>24 Q. And did that person review what</p> <p>25 Mr. Beck said on air?</p>	<p style="text-align: right;">Page 88</p> <p>1 JOEL CHEATWOOD</p> <p>2 A. Yes.</p> <p>3 Q. And why was it you thought the</p> <p>4 government was trying to keep the accurate</p> <p>5 information from coming out?</p> <p>6 A. I couldn't answer that question.</p> <p>7 You'd have to ask them.</p> <p>8 Q. What was the basis of your</p> <p>9 belief?</p> <p>10 A. Again, I had no idea what the</p> <p>11 motivation would be.</p> <p>12 We only knew that the</p> <p>13 confidential sources with direct access to</p> <p>14 the investigation were telling us a set of</p> <p>15 facts that were not consistent with what</p> <p>16 the government was saying.</p> <p>17 Q. Do you know why Mr. Weasel is</p> <p>18 expressing a concern that it would be wise</p> <p>19 to keep the stuff Glenn mentions on air</p> <p>20 tightly scripted?</p> <p>21 A. Any time you're discussing a</p> <p>22 story with sensitivity and grave</p> <p>23 allegations, as this one did, it's common</p> <p>24 practice to want to make sure that the</p> <p>25 talent stays as close to script as very</p>

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2 possible because the facts are vetted and
3 you want to keep them close to the facts.
4 Q. In that case, the talent is Mr.
5 Beck?
6 A. That's correct.
7 Q. And this was a story which
8 involved matters of grave concern? Is that
9 what you testified to?
10 A. I believe great public interest.
11 The allegations were absolutely
12 grave, and it was important that we stuck
13 strictly to the facts.
14 Q. And on the first page of
15 Exhibit 71, in your response at 4:57 p.m.
16 to Mr. Weasel, the last line of your
17 response is: "Need credibility."
18 What are you referring to there?
19 A. Referring specifically to the
20 detail that we can provide in classifying
21 someone as a 212(3)(B), felt that we needed
22 to provide as much information and
23 explanation as possible, not only as to
24 what the designation meant, but also the
25 process by which someone was designated in

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1 JOEL CHEATWOOD
2 that way.
3 Q. And what was your understanding
4 of the process by which somebody was
5 designated under Section 212(3)(B)?
6 A. According to our confidential
7 sources and other experts in the area that
8 we consulted, it was a tedious process that
9 required the presentation of full evidence
10 in making the accusation.
11 It required the sign-off of all
12 JTTF members in terms of the various
13 agencies that are involved, and it also
14 involved the approval of a high level,
15 usually cabinet member, to make that
16 designation.
17 Q. And 212(3)(B) refers to what?
18 A. Terrorism.
19 Q. Do you have an understanding as
20 to whether or not that's a section of the
21 United States Code or the Criminal Code or
22 where that comes from?
23 A. I believe that's part of the
24 Criminal Code. I could be wrong.
25 Q. Did you review that at all with

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1 JOEL CHEATWOOD
2 counsel?
3 A. We reviewed an e-mail that
4 outlined what the definition of 212(3)(B)
5 is.
6 Q. And who did the e-mail come
7 from?
8 A. I don't recall.
9 Q. Was the e-mail from a lawyer or
10 from a confidential source or --
11 A. I don't recall who originated
12 it.
13 Q. And was the e-mail sent to you
14 at TheBlaze?
15 A. Yes.
16 Q. And was it an e-mail that you
17 solicited or just sent to you
18 independently?
19 A. I believe that we solicited a
20 definition from this person and they
21 provided it.
22 Q. Who was it provided to, when you
23 say "we"?
24 A. I don't recall whether there was
25 anyone else on the e-mail chain besides

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1 JOEL CHEATWOOD
2 myself.
3 Q. Do you have any memory as to
4 when you received that?
5 A. I do not.
6 Q. And the person who sent it, you
7 testified, was not counsel; is that
8 correct?
9 A. Was not.
10 Q. But you don't remember whether
11 they were a confidential source or not?
12 A. They were not.
13 Q. And you don't remember who it
14 was?
15 A. I don't.
16 Q. Did they work for TheBlaze?
17 A. No.
18 Q. Mr. Cheatwood, I show you what's
19 been marked as Exhibit 72 in this matter,
20 which is an e-mail from you to Mr. Weasel
21 on Saturday, April 20th at 5:02 p.m.
22 And Mr. Weasel writes to you at
23 4:58 p.m. and says: "Is Emerson on this?
24 Mainly going to be his source in asking
25 where the kid is."

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1 JOEL CHEATWOOD
2 And Emerson there is Steve
3 Emerson; is that correct?
4 A. That's correct.
5 Q. And your response is that you
6 don't know. "I think we should reach out
7 to all our friends on this: West;
8 Stakelbeck; Emerson, for certain; Pam
9 Geller has written about it too. I may
10 reach out to Hannity's producer."
11 Who is West?
12 A. Diana West, an author and noted
13 expert on terrorism.
14 Q. And Stakelbeck was Eric
15 Stakelbeck; is that correct?
16 A. That's correct.
17 Q. Emerson is Steve Emerson?
18 A. Correct.
19 Q. And who is Pam Geller?
20 A. Pam Geller, again, was an author
21 and noted expert in the area of the Middle
22 East and terrorism.
23 Q. And you're referring to these
24 people as "our friends."
25 What do you mean by that?

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1 JOEL CHEATWOOD
2 A. I meant simply people that we
3 have worked with in the past in terms of
4 story development. They've been guests on
5 the shows. People that we just had a
6 history of working with.
7 Q. And you write: "I may reach out
8 to Hannity's producer."
9 Did you do that?
10 A. As I recall, I left a voicemail.
11 Q. And who was Mr. Hannity's
12 producer at the time?
13 A. At the time, I believe it was
14 John Finley.
15 Q. Did you consider Mr. Hannity and
16 Mr. Finley as friends?
17 A. Having worked at Fox News, they
18 were acquaintances.
19 Q. Why was it that you wanted to
20 reach out to West, Stakelbeck, Emerson,
21 Geller and Mr. Hannity's program?
22 A. We were continually looking for
23 context and perspective to the facts that
24 we were being provided by our confidential
25 sources, and given their expertise in the

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1 JOEL CHEATWOOD
2 area of terrorism, we felt it was important
3 to continually get their feedback and
4 expertise in concert with the facts being
5 provided by our confidential sources.
6 Q. Mr. Cheatwood, I show you what's
7 been marked previously as Exhibit 73 in
8 this action, which is an e-mail from Mr.
9 Weasel to you starting at 7:35 p.m. on
10 Saturday, April 20th.
11 And Mr. Weasel's first e-mail
12 says: "The only way I can get the file is
13 to fly to and take a screenshot off of a
14 laptop. In this case, it would be a
15 smoking gun. Thoughts?"
16 And your response to Mr. Weasel
17 is: "Legal?"
18 Did you make a determination
19 about whether that was legal?
20 MR. GRYGIEL: Objection to the
21 form.
22 A. I made the determination that it
23 was not.
24 Q. And how did you make that
25 determination?

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1 JOEL CHEATWOOD
2 A. Just based on my experience and
3 knowledge of dealing with information like
4 this.
5 Q. And after having made the
6 determination, did you communicate that to
7 Mr. Weasel?
8 A. I did.
9 Q. How did you communicate that to
10 him?
11 A. I believe it was via phone.
12 Q. And what did you say to him?
13 A. Indicated that that was not an
14 option for us, that we had to obtain the
15 information physically. We couldn't take
16 it off of a -- basically, a government
17 terminal.
18 Q. And did you obtain the
19 information physically?
20 A. We obtained the file, which
21 we've discussed, yes.
22 Q. And what, to your knowledge,
23 made taking a screenshot of a laptop
24 illegal, but obtaining the physical file
25 not illegal?

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1 JOEL CHEATWOOD
2 MR. GRYGIEL: Object to the
3 form. It also calls for a legal question
4 from a fact witness. But to the extent you
5 can answer, please feel free.
6 A. My feeling and opinion was that
7 to violate the privacy of a government
8 terminal would have put us in jeopardy of
9 an illegality, but to be provided
10 information and simply to be a receptive
11 reporting entity with information being
12 provided to us, would not.
13 Q. And so your understanding was to
14 take a screenshot of somebody's terminal
15 would be illegal, but to have that person
16 print out what was on the screen and
17 provide it to you would not be illegal?
18 MR. GRYGIEL: Object to the
19 form.
20 A. Our feeling was, if we were a
21 passive interest in receiving the
22 information, it was fine.
23 Q. What do you mean by "passive"?
24 A. Basically, we weren't physically
25 going after and pulling information out of

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1 JOEL CHEATWOOD
2 what could be a private government
3 terminal. We were being provided.
4 Q. So as a result of that
5 conversation with you, Mr. Weasel did not
6 fly to D.C.?
7 A. He did fly.
8 Q. And that was to obtain the
9 physical file?
10 A. Yes.
11 Q. And that was from the
12 confidential source?
13 A. Yes.
14 Q. And the file he obtained was the
15 Exhibit 60 and 61 that we reviewed
16 previously; is that correct?
17 A. That's correct.
18 Q. On Exhibit 73, Mr. Weasel
19 states:
20 "Just heard reliably that Saudi
21 specifically requested Michelle Obama visit
22 Alharbi to throw off any questions of
23 terror."
24 Do you know who Mr. Weasel heard
25 that from?

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1 JOEL CHEATWOOD
2 A. I do not.
3 Q. Did you make any determination
4 whether that statement was truthful or
5 accurate?
6 A. We, I remember, did not
7 broadcast that information, didn't get
8 proper confirmation.
9 Q. Who did you try to get
10 confirmation from?
11 A. As I recall, a variety of law
12 enforcement officers, the White House as
13 well, DHS. Kind of the usual sources,
14 couldn't get a secondary confirmation.
15 (Exhibit 109 for
16 identification, E-mail dated 4/20 from Mr.
17 Cheatwood to Mr. Weasel, production numbers
18 35131.)
19 BY MR. HALEY:
20 Q. Mr. Cheatwood, I show you what's
21 been marked Exhibit 109, which is a
22 response to that e-mail, which we just
23 reviewed, Exhibit 73.
24 It bears the Bates stamp number
25 of 35131 from you to Mr. Weasel dated

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1 JOEL CHEATWOOD
2 April 20th at 10:29 p.m., and you're asking
3 there: "Can" -- and it's redacted -- "now
4 tell us about the family clan connections."
5 Was that the confidential source
6 that's redacted there?
7 A. Yes.
8 Q. And the family clan connections
9 were connections of Mr. Alharbi's family?
10 MR. GRYGIEL: Object to the
11 form.
12 A. That's correct.
13 Q. Did your source ever provide you
14 with any information regarding his family
15 or clan connections?
16 A. Our confidential sources
17 provided us with general information, but
18 we couldn't get specific details that made
19 us comfortable with reporting that
20 information.
21 Q. Mr. Cheatwood, I show you what's
22 been previously marked as Exhibit 74 in
23 this matter, which is an e-mail from David
24 Hemenway to Joe Weasel.
25 Who is David Hemenway?

<p style="text-align: right;">Page 101</p> <p>1 JOEL CHEATWOOD</p> <p>2 A. I don't know.</p> <p>3 Q. Did you ever see this e-mail</p> <p>4 before?</p> <p>5 A. I have not.</p> <p>6 Q. Mr. Cheatwood, I show you what's</p> <p>7 been previously marked Exhibit 75 in this</p> <p>8 action, which is an e-mail at the top from</p> <p>9 you to Mr. Weasel on Sunday, April 21st at</p> <p>10 10:17 a.m.; and Mr. Weasel, at the bottom</p> <p>11 of the page, is 10:04 a.m., is writing and</p> <p>12 says: "Do we know if we are allowed to</p> <p>13 report that there has been a request for a</p> <p>14 secure briefing on this kid? It's a</p> <p>15 critical bit of information."</p> <p>16 What is Mr. Weasel referring to</p> <p>17 there, if you know?</p> <p>18 MR. GRYGIEL: Object to the</p> <p>19 form.</p> <p>20 A. We had been told by one of our</p> <p>21 confidential sources that the Congressional</p> <p>22 Homeland Security Committee had asked for a</p> <p>23 secure briefing from Janet Napolitano.</p> <p>24 Q. And you then say: "Virginia,</p> <p>25 can you peruse" -- or I assume you meant</p>	<p style="text-align: right;">Page 103</p> <p>1 JOEL CHEATWOOD</p> <p>2 A. I don't recall to what extent.</p> <p>3 Q. And the second sentence of that</p> <p>4 e-mail says: "A call is a good idea. I'm</p> <p>5 drafting a note of what we know to send out</p> <p>6 in a few to calm nerves."</p> <p>7 What were you referring to</p> <p>8 there?</p> <p>9 MR. GRYGIEL: Object to the</p> <p>10 form.</p> <p>11 A. My intent to draft an overview</p> <p>12 of the information that we knew to be</p> <p>13 factual, along with questions that we were</p> <p>14 seeking answers to.</p> <p>15 Q. And were people nervous?</p> <p>16 A. Absolutely. Any time that</p> <p>17 you're involved with a story of this</p> <p>18 magnitude and at the leading edge of</p> <p>19 reporting, if you're not nervous, something</p> <p>20 is wrong.</p> <p>21 There's a great desire to be</p> <p>22 accurate, to get full information, and</p> <p>23 that's why we revisited our confidential</p> <p>24 sources at all hours of the days and night</p> <p>25 for many, many, many weeks.</p>
<p style="text-align: right;">Page 102</p> <p>1 JOEL CHEATWOOD</p> <p>2 "pursue" -- "permission on this?"</p> <p>3 Who are you asking Ms. Grace to</p> <p>4 pursue permission from?</p> <p>5 MR. GRYGIEL: Object to the</p> <p>6 form.</p> <p>7 A. As I recall, Virginia had</p> <p>8 contacts with aides in the office of that</p> <p>9 committee, and was seeking permission from</p> <p>10 Mr. Duncan's office to publicize that they</p> <p>11 had made the request.</p> <p>12 Q. And at the top of Exhibit 75, at</p> <p>13 10:07, Mr. Weasel has forwarded a link to a</p> <p>14 Daily Mirror story, and your response is:</p> <p>15 "God, I wish it weren't the Daily Mirror."</p> <p>16 Why were you saying that?</p> <p>17 MR. GRYGIEL: Object to the</p> <p>18 form.</p> <p>19 A. In spite of the Daily Mirror's</p> <p>20 pretty incredible track record as an</p> <p>21 investigative journalism platform, I was</p> <p>22 hoping that U.S. mainstream media outlets</p> <p>23 would pick it up. This was a British</p> <p>24 publication.</p> <p>25 Q. Did they ever pick it up?</p>	<p style="text-align: right;">Page 104</p> <p>1 JOEL CHEATWOOD</p> <p>2 Q. Mr. Cheatwood, I've handed you a</p> <p>3 copy of what's previously been marked as</p> <p>4 Exhibit 76 in this action.</p> <p>5 And in response to Exhibit 75,</p> <p>6 on Sunday, April 21st at 10:20 a.m., Mr.</p> <p>7 Weasel writes: "They know what we have, so</p> <p>8 they have to try to Joe McCarthy Glenn.</p> <p>9 Do you know what Mr. Weasel is</p> <p>10 referring to there?</p> <p>11 MR. GRYGIEL: Object to the</p> <p>12 form.</p> <p>13 A. I believe he is referring to the</p> <p>14 effort to discredit Glenn as being a</p> <p>15 reliable source of information.</p> <p>16 Q. And was that something that you</p> <p>17 discussed with Mr. Weasel or Mr. Beck at</p> <p>18 any time?</p> <p>19 A. Not specifically, no.</p> <p>20 Q. And in response to Mr. Weasel's</p> <p>21 statement, that "We need Duncan's guy" --</p> <p>22 and that refers to Congressman Duncan; is</p> <p>23 that correct?</p> <p>24 A. That's correct.</p> <p>25 Q. -- "to call Jake Tapper. I</p>

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1 JOEL CHEATWOOD
2 think he'll do it for Virginia and get to
3 the Congressman. I think Tapper might be
4 more open."
5 Your response is:
6 "Worth a shot. Glenn says
7 Tapper told him. Didn't know he reached
8 out (DHS told him mistaken identity.)"
9 What conversations did you have
10 with Mr. Beck about a conversation that he
11 had with Mr. Tapper?
12 MR. GRYGIEL: Object to the
13 form.
14 A. He informed me that he had
15 reached out to Mr. Tapper hoping to share
16 elements of the story and with the intent
17 of ABC News picking up the investigation.
18 Q. And Mr. Tapper told Mr. Beck
19 that he had been told by the Department of
20 Homeland Security that it was simply a case
21 of mistaken identity?
22 A. I don't know what Mr. Tapper
23 told Glenn. This is just what Glenn
24 related to me.
25 Q. To your knowledge, did Mr.

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1 JOEL CHEATWOOD
2 Tapper ever pursue the story?
3 A. I don't know.
4 Q. What Mr. Beck told you was that
5 Mr. Tapper told him that the Department of
6 Homeland Security was saying to him that it
7 was a case of mistaken identity?
8 MR. GRYGIEL: Object to the
9 form.
10 A. That's how I interpret this
11 e-mail.
12 Q. And did you have any reason to
13 question Mr. Beck's accuracy in relating to
14 you what Mr. Tapper said to him?
15 A. Other than I was not part of the
16 conversation, no.
17 Q. Mr. Cheatwood, I show you what's
18 previously been marked as Exhibit 77 in
19 this action, which is an e-mail from an
20 unidentified redacted person to Mr. Weasel,
21 and Mr. Weasel is asking that person at
22 11:51 a.m. about: "Do you know if they got
23 him out of the country?"
24 And the person responding says:
25 "At the moment, only the Wizard

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1 JOEL CHEATWOOD
2 of Oz knows the answer to that question."
3 Was this person in this e-mail,
4 to your knowledge, one of the confidential
5 sources that you were relying on?
6 MR. GRYGIEL: Object to the
7 form.
8 A. I have no knowledge of this
9 e-mail.
10 Q. Have you seen this before?
11 A. I have not.
12 Q. Mr. Cheatwood, I show you what's
13 previously been marked as Exhibit 78 in
14 this matter.
15 This was an e-mail that you sent
16 up to Mr. Weasel and Tiffany Siegel on
17 Sunday at 3:35 p.m.
18 Was this in preparation for a
19 call with Mr. Beck?
20 MR. GRYGIEL: Object to the
21 form.
22 A. Yes, it was.
23 Q. What was the purpose of
24 providing this information to Mr. Weasel
25 and Ms. Siegel?

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1 JOEL CHEATWOOD
2 A. Wanted them both to be
3 comfortable with the information to see
4 what we would be discussing in terms of the
5 conversation with Mr. Beck, and basically
6 just as a guideline going forward for the
7 information that we had in place.
8 Q. And the information in the
9 e-mail, is that information that you typed
10 up?
11 A. I did.
12 Q. What was the source of the
13 information?
14 A. The source of information was
15 from primarily our confidential sources
16 through Joe Weasel.
17 Q. And on the top of the second
18 page of Exhibit 78, it has a Bates stamp
19 number of 35080, it states:
20 "Tuesday morning Secretary of
21 State John Kerry meets with Saudi Foreign
22 Minister Saud. The meeting is abruptly
23 closed to the media."
24 What link was it that you
25 thought that piece of information had to

<p style="text-align: right;">Page 109</p> <p>1 JOEL CHEATWOOD</p> <p>2 the investigation of Mr. Alharbi?</p> <p>3 MR. GRYGIEL: Object to the</p> <p>4 form.</p> <p>5 A. At that time, we didn't know</p> <p>6 what the link might be, or if there was a</p> <p>7 link at all, but it was information</p> <p>8 provided by confidential sources that felt</p> <p>9 there was some connection.</p> <p>10 Q. Do you know what the basis of</p> <p>11 their feeling that there was a connection</p> <p>12 was?</p> <p>13 MR. GRYGIEL: Objection.</p> <p>14 A. Based primarily on their</p> <p>15 expertise in terms of dignitaries visiting</p> <p>16 the White House and this being out of the</p> <p>17 norm.</p> <p>18 Q. And did you ever determine if</p> <p>19 there was any link between the information</p> <p>20 reported at the top of the page here and</p> <p>21 the investigation of Mr. Alharbi?</p> <p>22 A. We did not.</p> <p>23 Q. With respect to the third bullet</p> <p>24 point on page 2, where it says "Wednesday,</p> <p>25 President Obama has a 'chance' in-concert</p>	<p style="text-align: right;">Page 111</p> <p>1 JOEL CHEATWOOD</p> <p>2 were "very scary?"</p> <p>3 MR. GRYGIEL: Object to the</p> <p>4 form.</p> <p>5 A. The indication from multiple</p> <p>6 confidential sources was there was a</p> <p>7 connection to terrorism within the family.</p> <p>8 Q. And did you ever make any</p> <p>9 determination as to whether there was such</p> <p>10 a connection?</p> <p>11 A. We did not develop specific</p> <p>12 information.</p> <p>13 Q. What general information did you</p> <p>14 develop?</p> <p>15 A. General information was just,</p> <p>16 there were connections from Mr. Alharbi and</p> <p>17 his family to known terrorists.</p> <p>18 Q. And which terrorist?</p> <p>19 A. I -- we were not given</p> <p>20 specifics.</p> <p>21 Q. Did you ever seek to verify the</p> <p>22 information with anyone else besides your</p> <p>23 confidential sources?</p> <p>24 A. Yes, we did.</p> <p>25 Q. Who did you seek to verify it</p>
<p style="text-align: right;">Page 110</p> <p>1 JOEL CHEATWOOD</p> <p>2 with Saudi Foreign Minister Saud and Saudi</p> <p>3 Ambassador Adel al-Jubeir," what</p> <p>4 relationship did that fact have to do with</p> <p>5 the investigation of Mr. Alharbi?</p> <p>6 MR. GRYGIEL: Object to the</p> <p>7 form.</p> <p>8 A. Again, this information was</p> <p>9 provided by a confidential source with</p> <p>10 knowledge and information as to protocol on</p> <p>11 these matters who thought that this was</p> <p>12 unusual and odd, and more than a</p> <p>13 coincidence.</p> <p>14 Q. Did you ever make any</p> <p>15 determination as to whether it was more</p> <p>16 than a coincidence?</p> <p>17 A. We did not.</p> <p>18 Q. And on the third page of</p> <p>19 Exhibit 78, Bates stamp number 35081, it</p> <p>20 states: "We are told his family</p> <p>21 connections are very scary."</p> <p>22 Who told you that?</p> <p>23 A. Confidential sources.</p> <p>24 Q. And what exactly did they tell</p> <p>25 you about the connections other than they</p>	<p style="text-align: right;">Page 112</p> <p>1 JOEL CHEATWOOD</p> <p>2 with?</p> <p>3 A. We posed the question to the</p> <p>4 Department of Homeland Security, the FBI,</p> <p>5 the Joint Task Force -- Joint Terrorism</p> <p>6 Task Force, Congressional contacts.</p> <p>7 Anybody else we could think of.</p> <p>8 Q. And what was their response?</p> <p>9 A. No response.</p> <p>10 Q. Who posed the question?</p> <p>11 A. Primarily, Joe Weasel and his</p> <p>12 staff. I believe Tom Orr on his staff was</p> <p>13 part of the reach-out.</p> <p>14 I don't know if there were</p> <p>15 others, but those two I know.</p> <p>16 Q. When you say there was no</p> <p>17 response, they just didn't answer the</p> <p>18 question or made no comment or how did that</p> <p>19 work?</p> <p>20 A. Universally, no response.</p> <p>21 Q. I'm trying to get an</p> <p>22 understanding of when you say "no</p> <p>23 response," was it because they didn't</p> <p>24 respond to a phone call, an e-mail, or was</p> <p>25 it because they just refused to provide an</p>

<p style="text-align: right;">Page 113</p> <p>1 JOEL CHEATWOOD</p> <p>2 answer or just said "no comment"?</p> <p>3 MR. GRYGIEL: Object to the</p> <p>4 form.</p> <p>5 A. All of the above.</p> <p>6 Q. On the last page of Exhibit 78,</p> <p>7 with the Bates stamp number 35086, you</p> <p>8 write: "There is a pattern. There is a</p> <p>9 relationship between the U.S. and Saudi</p> <p>10 Arabia the American public doesn't know</p> <p>11 about. The case of Abdul Rahman Ali</p> <p>12 Alharbi is only the latest example."</p> <p>13 What's the basis of that</p> <p>14 statement?</p> <p>15 A. We had done a significant amount</p> <p>16 of research about the U.S. and Saudi Arabia</p> <p>17 relationship, and specifically about how</p> <p>18 Saudi nationals were treated, how they were</p> <p>19 admitted into the country versus the</p> <p>20 nationals of other countries.</p> <p>21 Q. How did the case of Mr. Alharbi</p> <p>22 relate to that?</p> <p>23 A. At the point that I drafted this</p> <p>24 note, we were looking at all possibilities,</p> <p>25 all questions, and looking for answers in a</p>	<p style="text-align: right;">Page 115</p> <p>1 JOEL CHEATWOOD</p> <p>2 was inaccurate?</p> <p>3 MR. GRYGIEL: Object to the</p> <p>4 form.</p> <p>5 A. Yes, I did.</p> <p>6 Q. Were you aware that that was</p> <p>7 what was being reported by most other news</p> <p>8 sources?</p> <p>9 MR. GRYGIEL: Object to the</p> <p>10 form.</p> <p>11 A. Yes. Yes, I was.</p> <p>12 Q. And what made you believe that</p> <p>13 TheBlaze got the story right and all the</p> <p>14 other news sources were wrong?</p> <p>15 MR. GRYGIEL: Object to the form</p> <p>16 and also foundation.</p> <p>17 A. Based on the information</p> <p>18 provided by the confidential sources that</p> <p>19 we had.</p> <p>20 Q. Mr. Cheatwood, I show you what's</p> <p>21 previously been marked as Exhibit 80 in</p> <p>22 this matter, which is an e-mail from</p> <p>23 Patrick Poole to Virginia Grace on Sunday</p> <p>24 at 6:33 p.m.</p> <p>25 Have you seen this before?</p>
<p style="text-align: right;">Page 114</p> <p>1 JOEL CHEATWOOD</p> <p>2 variety of different directions, and wanted</p> <p>3 to know if this relationship -- or this</p> <p>4 special relationship, as we determined --</p> <p>5 had anything to do with the government's</p> <p>6 treatment of Mr. Alharbi.</p> <p>7 Q. And did you make any</p> <p>8 determination as to whether it did or did</p> <p>9 not?</p> <p>10 A. We couldn't definitively come to</p> <p>11 that conclusion.</p> <p>12 Q. Mr. Cheatwood, I show you what's</p> <p>13 previously been marked as Exhibit 79 in</p> <p>14 this action, which at the top is an e-mail</p> <p>15 from you to Tiffany Siegel, copying Joe</p> <p>16 Weasel, and it includes an earlier e-mail</p> <p>17 from Tiffany Siegel on April 21st at 3:45</p> <p>18 p.m., and she makes reference to a story</p> <p>19 with a date line "Boston," where above the</p> <p>20 highlighted portion, it says:</p> <p>21 "He is not a suspect nor is he a</p> <p>22 person of interest. He was an individual</p> <p>23 at the marathon, and therefore, like so</p> <p>24 many individuals, has been questioned."</p> <p>25 Did you believe that reporting</p>	<p style="text-align: right;">Page 116</p> <p>1 JOEL CHEATWOOD</p> <p>2 A. I have seen this.</p> <p>3 Q. Did you see it at the time that</p> <p>4 it was authored or sent?</p> <p>5 A. I don't recall.</p> <p>6 Q. And Mr. Poole, in the first</p> <p>7 sentence there, writes:</p> <p>8 "On the Saudi, my sense is that</p> <p>9 there are two issues, since we don't know</p> <p>10 in what way, if any, he was involved in the</p> <p>11 bombing incident."</p> <p>12 Did you agree with that</p> <p>13 statement as of Sunday night at 6:33 p.m.?</p> <p>14 A. I did not.</p> <p>15 Q. And the basis for your</p> <p>16 questioning that statement were the two</p> <p>17 documents that you had, Exhibit 60 and 61?</p> <p>18 MR. GRYGIEL: Object to the</p> <p>19 form. It also mischaracterizes the</p> <p>20 testimony.</p> <p>21 Mr. Cheatwood didn't say he</p> <p>22 questioned that. He said he disagreed with</p> <p>23 it.</p> <p>24 MR. HALEY: I'll rephrase the</p> <p>25 question.</p>

<p style="text-align: right;">Page 117</p> <p>1 JOEL CHEATWOOD</p> <p>2 BY MR. HALEY:</p> <p>3 Q. The basis of your disagreement</p> <p>4 was what?</p> <p>5 A. The information provided by</p> <p>6 multiple confidential sources with direct</p> <p>7 ties to the investigation.</p> <p>8 Q. And the second-to-last paragraph</p> <p>9 there, in Mr. Poole's e-mail, where he says</p> <p>10 "Do we know what's going on in the case of</p> <p>11 the Saudi? No, I don't think we do, but we</p> <p>12 can conclude that the official version spun</p> <p>13 by the Administration is far different from</p> <p>14 the facts that we know."</p> <p>15 Do you know what Mr. Poole is</p> <p>16 referring to there when he says "from the</p> <p>17 facts that we know"?</p> <p>18 A. I don't know specifically what</p> <p>19 he meant. I'm assuming he is referring to</p> <p>20 the facts that he personally is aware of.</p> <p>21 Q. And do you know if Mr. Weasel</p> <p>22 ever shared with Mr. Poole the information</p> <p>23 from the confidential sources?</p> <p>24 A. I believe Mr. Weasel shared the</p> <p>25 basis and the facts. Did not share the</p>	<p style="text-align: right;">Page 119</p> <p>1 JOEL CHEATWOOD</p> <p>2 Weasel had were somehow more authoritative</p> <p>3 or more accurate than Mr. Poole's sources?</p> <p>4 MR. GRYGIEL: Object to the</p> <p>5 form.</p> <p>6 A. We knew for a fact that our</p> <p>7 confidential sources were directly involved</p> <p>8 in the investigation. There was no</p> <p>9 indication through Mr. Weasel that Mr.</p> <p>10 Poole had that access.</p> <p>11 Q. Did you ever ask if Mr. Poole</p> <p>12 had that access?</p> <p>13 A. I believe I asked Joe what Mr.</p> <p>14 Poole's resources were, yes.</p> <p>15 Q. And to your knowledge, did Mr.</p> <p>16 Poole share those with Mr. Weasel?</p> <p>17 A. I think he shared generally who</p> <p>18 he was talking to and acknowledged, to the</p> <p>19 best of my recollection, that they were not</p> <p>20 at a level that our sources were.</p> <p>21 Q. And your sources were directly</p> <p>22 involved in the investigation?</p> <p>23 A. Yes.</p> <p>24 Q. And at some sort of an executive</p> <p>25 or supervisory level?</p>
<p style="text-align: right;">Page 118</p> <p>1 JOEL CHEATWOOD</p> <p>2 confidential sources, specifically.</p> <p>3 Q. When you said he shared the</p> <p>4 basis and the facts, essentially, he shared</p> <p>5 the information, but not the identity of</p> <p>6 the sources?</p> <p>7 A. Exactly.</p> <p>8 Q. So with that information,</p> <p>9 though, Mr. Poole, apparently on Sunday</p> <p>10 evening, is still stating that as far as he</p> <p>11 knows, you can't prove a connection between</p> <p>12 Mr. Alharbi and the attack?</p> <p>13 A. Mr. Poole, without direct access</p> <p>14 to the confidential sources, would have no</p> <p>15 reason to necessarily just take at face</p> <p>16 value what Mr. Weasel was providing.</p> <p>17 I assume he had his own sources</p> <p>18 that provided the information that he had.</p> <p>19 Q. And do you know who Mr. Poole's</p> <p>20 sources were?</p> <p>21 A. I do not.</p> <p>22 Q. Did you ever ask him?</p> <p>23 A. Not specifically.</p> <p>24 Q. How do you make a determination</p> <p>25 that the confidential sources that Mr.</p>	<p style="text-align: right;">Page 120</p> <p>1 JOEL CHEATWOOD</p> <p>2 A. Senior level.</p> <p>3 Q. Were they in charge of the</p> <p>4 investigation?</p> <p>5 MR. GRYGIEL: Objection to the</p> <p>6 extent that disclosure of that information</p> <p>7 would call for identification of the</p> <p>8 sources.</p> <p>9 Q. What do you mean by "senior</p> <p>10 level"?</p> <p>11 A. They were in positions of</p> <p>12 authority and had a senior status based on</p> <p>13 their experience level and performance.</p> <p>14 Q. And they were directly involved</p> <p>15 in the investigation?</p> <p>16 A. Our principal confidential</p> <p>17 source was directly involved in the</p> <p>18 investigation. The secondary -- one of the</p> <p>19 secondary sources had a direct link to it</p> <p>20 as well.</p> <p>21 Q. What about the other two</p> <p>22 sources?</p> <p>23 A. Being kept in the loop and</p> <p>24 informed. Not specifically attached to the</p> <p>25 investigation.</p>

<p style="text-align: right;">Page 121</p> <p>1 JOEL CHEATWOOD</p> <p>2 Q. And the primary source that you</p> <p>3 testified to, that was the person that you</p> <p>4 spoke to on the phone in April and then met</p> <p>5 with in May?</p> <p>6 MR. GRYGIEL: You can answer</p> <p>7 that, Joel, to the extent it won't result</p> <p>8 in the identification of the source.</p> <p>9 A. No, it was not.</p> <p>10 Q. And was that person the</p> <p>11 secondary source?</p> <p>12 A. No, it was not.</p> <p>13 Q. So the person that you spoke to</p> <p>14 in April and met with in May wasn't</p> <p>15 directly involved in the investigation?</p> <p>16 A. The person I spoke to in April</p> <p>17 and met with in May I approached for the</p> <p>18 specific reason of further vetting our</p> <p>19 primary confidential sources.</p> <p>20 Q. Because that person was senior</p> <p>21 to your primary confidential source?</p> <p>22 MR. GRYGIEL: Same objection.</p> <p>23 You can answer to the extent it</p> <p>24 will not result in disclosure of the</p> <p>25 source's identification.</p>	<p style="text-align: right;">Page 123</p> <p>1 JOEL CHEATWOOD</p> <p>2 expertise and his knowledge of terrorism, I</p> <p>3 had made the suggestion that maybe he was a</p> <p>4 better guest before Mr. McCarthy.</p> <p>5 Q. And Mr. McCarthy was Andrew</p> <p>6 McCarthy?</p> <p>7 A. Yes.</p> <p>8 Q. And who was he again?</p> <p>9 A. A former U.S. Attorney who</p> <p>10 prosecuted the first World Trade Center</p> <p>11 bombing.</p> <p>12 Q. And Mr. Poole as an expert would</p> <p>13 be someone who was presumably going to say</p> <p>14 that he didn't know in what way, if any,</p> <p>15 Mr. Alharbi was involved in the bombing</p> <p>16 incident?</p> <p>17 MR. GRYGIEL: Objection.</p> <p>18 Calls for speculation.</p> <p>19 A. I wasn't clear specifically what</p> <p>20 information he would impart other than that</p> <p>21 of his expertise in the area of terrorism.</p> <p>22 Q. But you're making that comment</p> <p>23 after receiving his e-mail of 6:32 p.m.;</p> <p>24 right?</p> <p>25 A. Right.</p>
<p style="text-align: right;">Page 122</p> <p>1 JOEL CHEATWOOD</p> <p>2 A. That person had a very close</p> <p>3 knowledge of the confidential sources, the</p> <p>4 role they served in their respective</p> <p>5 organizations and their access and ability</p> <p>6 to gain information.</p> <p>7 Q. Mr. Cheatwood, I show you what's</p> <p>8 marked as Exhibit 81, which at the top is</p> <p>9 an e-mail from you to Tiffany Siegel and</p> <p>10 Joe Weasel on Sunday at 6:42 p.m.</p> <p>11 It's forwarding Mr. Poole's 6:32</p> <p>12 p.m. e-mail, and your response to that</p> <p>13 e-mail to Ms. Siegel and Mr. Weasel is:</p> <p>14 "Maybe Poole is better than</p> <p>15 McCarthy tomorrow. See below."</p> <p>16 What did you mean by that?</p> <p>17 MR. GRYGIEL: Object to the</p> <p>18 form. You can answer.</p> <p>19 A. I don't recall specifically the</p> <p>20 -- to the best of my recollection, we were</p> <p>21 just talking about who could express most</p> <p>22 broadly the information to provide expert</p> <p>23 commentary on the story that we were</p> <p>24 providing.</p> <p>25 I believe based on Mr. Poole's</p>	<p style="text-align: right;">Page 124</p> <p>1 JOEL CHEATWOOD</p> <p>2 Q. Did you have some reason to</p> <p>3 believe in the 10 minutes between 6:32 and</p> <p>4 6:42 that what Mr. Poole would say would be</p> <p>5 inconsistent with his e-mail?</p> <p>6 MR. GRYGIEL: Objection.</p> <p>7 A. To the best of my recollection,</p> <p>8 I was basing it on just the breadth of</p> <p>9 information that he would be able to</p> <p>10 provide versus the breadth of information</p> <p>11 that Mr. McCarthy would be able to provide.</p> <p>12 Q. Directing your attention to the</p> <p>13 second page of Exhibit 81, the first e-mail</p> <p>14 there is from Virginia Grace at 5:54 p.m.,</p> <p>15 and she writes:</p> <p>16 "Hi, Patrick - looking forward</p> <p>17 to seeing you tomorrow. Would love to know</p> <p>18 your thoughts on the latest on the Saudi</p> <p>19 national (if you have it) and the</p> <p>20 connections of the bombers to radical Islam</p> <p>21 (also hearing they were connected to a</p> <p>22 12-person sleeper cell.)"</p> <p>23 At that point, did you have any</p> <p>24 information about Mr. Alharbi's connection</p> <p>25 to a sleeper cell?</p>

<p style="text-align: right;">Page 125</p> <p>1 JOEL CHEATWOOD</p> <p>2 MR. GRYGIEL: Object to the</p> <p>3 form.</p> <p>4 A. To the best of my recollection,</p> <p>5 our confidential sources at this time were</p> <p>6 indicating that the activities in Boston</p> <p>7 would have extended beyond the Tsaernaev</p> <p>8 brothers. That this had to be an</p> <p>9 operation, not just a two-person event.</p> <p>10 Q. What information did you have</p> <p>11 that Mr. Alharbi was connected to the</p> <p>12 Tsaernaev brothers?</p> <p>13 A. According to our confidential</p> <p>14 sources, and based on the evidence that</p> <p>15 they had access to and provided to us, Mr.</p> <p>16 Alharbi did not detonate the bombs, but</p> <p>17 they believed had funded and organized the</p> <p>18 effort.</p> <p>19 Q. What did they tell you about his</p> <p>20 funding and organizing the effort?</p> <p>21 MR. GRYGIEL: Objection.</p> <p>22 At what point in time?</p> <p>23 MR. HALEY: At any point in</p> <p>24 time.</p> <p>25 A. The initial indication was that</p>	<p style="text-align: right;">Page 127</p> <p>1 JOEL CHEATWOOD</p> <p>2 the ISB, the Islamic Society of Boston, and</p> <p>3 their connections to terrorism.</p> <p>4 And in looking at the evidence</p> <p>5 and connecting those dots, he came to the</p> <p>6 definitive conclusion that Mr. Alharbi</p> <p>7 would have been the financier and most</p> <p>8 likely organizer of this event.</p> <p>9 Q. When you say "would have been,"</p> <p>10 is that something that he just supposed or</p> <p>11 something that he had evidence of?</p> <p>12 A. This was --</p> <p>13 MR. GRYGIEL: Object to the</p> <p>14 form. You can answer.</p> <p>15 A. This was based on the evidence,</p> <p>16 his expertise in knowing how these things</p> <p>17 work, and his expansive knowledge on,</p> <p>18 specifically, the Boston situation through</p> <p>19 the ISB.</p> <p>20 Q. And what information did you</p> <p>21 have connecting Mr. Alharbi to the Islamic</p> <p>22 Society of Boston?</p> <p>23 A. According to our confidential</p> <p>24 source, he was known to be a member of the</p> <p>25 Roxbury mosque, which was part of the ISB.</p>
<p style="text-align: right;">Page 126</p> <p>1 JOEL CHEATWOOD</p> <p>2 since he had not been the detonator of the</p> <p>3 bombs physically, but had been classified</p> <p>4 as a terrorist, 212(3)(B), and knowing,</p> <p>5 with knowledge that they had in terms of</p> <p>6 how these terror cells work, that Mr.</p> <p>7 Alharbi's work would have been the</p> <p>8 financier and potentially the recruiter and</p> <p>9 organizer.</p> <p>10 Q. Other than his classification as</p> <p>11 what you refer to, 212(3)(B), and a general</p> <p>12 knowledge of how terror cells work, was</p> <p>13 there any specific knowledge or evidence</p> <p>14 that you're aware of that connected Mr.</p> <p>15 Alharbi to activities about supporting or</p> <p>16 funding the attacks?</p> <p>17 MR. GRYGIEL: Object to the</p> <p>18 form.</p> <p>19 A. Again, are we talking about a</p> <p>20 specific time or in general?</p> <p>21 Q. In general.</p> <p>22 A. Yes. The principal confidential</p> <p>23 source is a leading expert in antiterrorism</p> <p>24 and terrorism cells in this country, and,</p> <p>25 in fact, since 2009 has studied in-depth</p>	<p style="text-align: right;">Page 128</p> <p>1 JOEL CHEATWOOD</p> <p>2 Q. Other than the Roxbury mosque,</p> <p>3 what information did you have?</p> <p>4 MR. GRYGIEL: Object to the</p> <p>5 form.</p> <p>6 A. The information came strictly</p> <p>7 from the confidential source who had</p> <p>8 expertise in this area, and with the</p> <p>9 evidence, made a definitive conclusion that</p> <p>10 this was the case.</p> <p>11 MR. HALEY: Off the record.</p> <p>12 (A luncheon recess was taken</p> <p>13 from 12:23 p.m. to 1:18 p.m.)</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

<p>Page 129</p> <p>1 JOEL CHEATWOOD</p> <p>2 AFTERNOON SESSION</p> <p>3 (Time Resumed: 1:18 p.m.)</p> <p>4 JOEL CHEATWOOD,</p> <p>5 resumed and testified as follows:</p> <p>6 CONTINUED EXAMINATION</p> <p>7 BY MR. HALEY:</p> <p>8 Q. Mr. Cheatwood, I show you what's</p> <p>9 been marked previously in this matter as</p> <p>10 Exhibit 82, which is an e-mail from Dan</p> <p>11 Andros to Stu Burguiere.</p> <p>12 Who is Mr. Andros?</p> <p>13 A. Mr. Andros is a writer on</p> <p>14 Glenn's television program.</p> <p>15 Q. How about Mr. Burguiere?</p> <p>16 A. The executive producer and</p> <p>17 co-host of the radio program.</p> <p>18 Q. And starting at 7:01 a.m. in the</p> <p>19 morning, Mr. Andros is writing to Mr.</p> <p>20 Burguiere, asking: "How are you feeling</p> <p>21 about this story now?"</p> <p>22 And Mr. Burguiere responds, the</p> <p>23 first line, at 8:02 a.m.:</p> <p>24 "Not wonderful. It seems like</p> <p>25 it will translate in a difficult to</p>	<p>Page 131</p> <p>1 JOEL CHEATWOOD</p> <p>2 understandable and clear and explaining</p> <p>3 fully the facts that we were presenting.</p> <p>4 Q. Did this sentiment that Mr.</p> <p>5 Burguiere expressed, is this in response to</p> <p>6 the inquiry -- "How are you feeling about</p> <p>7 this story?" "Not wonderful." -- was that</p> <p>8 something that he expressed at the time of</p> <p>9 the meeting?</p> <p>10 MR. GRYGIEL: Object to the</p> <p>11 form.</p> <p>12 A. Not that I recall, no.</p> <p>13 Q. Did anybody else express similar</p> <p>14 concerns about whether or not you should go</p> <p>15 forward with the story?</p> <p>16 A. No. The only concerns were that</p> <p>17 we presented in a clear and completely</p> <p>18 factual fashion.</p> <p>19 Q. Did you have any conversations</p> <p>20 with Mr. Beck in which you expressed any</p> <p>21 personal concerns about the story?</p> <p>22 A. No concerns about the validity</p> <p>23 or the facts presented, no.</p> <p>24 (Exhibit 110 for</p> <p>25 identification, Series of e-mail messages,</p>
<p>Page 130</p> <p>1 JOEL CHEATWOOD</p> <p>2 understand set of accusation."</p> <p>3 And then Mr. Andros responds in</p> <p>4 kind at 9:36 a.m.:</p> <p>5 "Yeah, we were talking after the</p> <p>6 meeting, and I said I think as long as we</p> <p>7 minimize them connecting the dots and just</p> <p>8 point out the facts that we were being</p> <p>9 told, I think it can be strong."</p> <p>10 Was there a meeting Monday</p> <p>11 morning to discuss this story?</p> <p>12 MR. GRYGIEL: Object to the</p> <p>13 form.</p> <p>14 A. To the best of my recollection,</p> <p>15 yes.</p> <p>16 Q. Were you part of that?</p> <p>17 A. I believe so.</p> <p>18 Q. Were Mr. Andros and Mr.</p> <p>19 Burguiere present at that meeting?</p> <p>20 A. I believe they were.</p> <p>21 Q. Was there some concern expressed</p> <p>22 at the meeting about the story as it</p> <p>23 related to Mr. Alharbi?</p> <p>24 A. The only concern that I recall</p> <p>25 being expressed was making it</p>	<p>Page 132</p> <p>1 JOEL CHEATWOOD</p> <p>2 including e-mail from Mr. Cheatwood to</p> <p>3 Messrs. Weasel, Hall & Baker, production</p> <p>4 numbers 35260 through 35261.)</p> <p>5 BY MR. HALEY:</p> <p>6 Q. Mr. Cheatwood, I show you what's</p> <p>7 been marked as 110, a series of e-mail</p> <p>8 messages, Bates stamps 35260 and 35261.</p> <p>9 In the middle of the page, there</p> <p>10 is a message from you to Joe Weasel, Glen</p> <p>11 Hall and Scott Baker saying that:</p> <p>12 "You can use this information.</p> <p>13 I like the idea of providing their take and</p> <p>14 attaching our questions in terms of the TV</p> <p>15 show."</p> <p>16 And this is in response to Mr.</p> <p>17 Weasel's e-mail, with the subject line of</p> <p>18 which is "On background from Sara."</p> <p>19 Sara was who?</p> <p>20 A. I believe this is Sara Carter.</p> <p>21 Q. And where he says:</p> <p>22 "Just heard from Sara, whose</p> <p>23 been working her sources inside the" -- and</p> <p>24 that indication there is redacted.</p> <p>25 Do you know where that was?</p>

<p style="text-align: right;">Page 133</p> <p>1 JOEL CHEATWOOD</p> <p>2 A. I believe it was the FBI.</p> <p>3 MR. GRYGIEL: Just so the record</p> <p>4 is clear, I believe that that redaction was</p> <p>5 incorrect in terms of the identification of</p> <p>6 a confidential source.</p> <p>7 That was relied on by TheBlaze</p> <p>8 personnel for the broadcast at issue in the</p> <p>9 case.</p> <p>10 BY MR. HALEY:</p> <p>11 Q. So on further down the page</p> <p>12 there, the next redaction, which says</p> <p>13 "blank' officials," that would be FBI</p> <p>14 officials?</p> <p>15 A. I believe that's true.</p> <p>16 Q. So then she goes on.</p> <p>17 It says: "FBI officials (who</p> <p>18 she's known for many years) tell her that</p> <p>19 Alharbi was placed on the no-fly list,</p> <p>20 terror watch-list, after he was detained as</p> <p>21 a person of interest.</p> <p>22 "This was done as a precaution</p> <p>23 before they had determined whether he was</p> <p>24 more than a witness from the scene of the</p> <p>25 crime."</p>	<p style="text-align: right;">Page 135</p> <p>1 JOEL CHEATWOOD</p> <p>2 Q. The sources that you had you</p> <p>3 believed were more credible than sources at</p> <p>4 the FBI that Sara had?</p> <p>5 A. The confidential sources that we</p> <p>6 had we believe had direct access to the</p> <p>7 investigation in Boston. We believe Sara's</p> <p>8 sources did not.</p> <p>9 Q. When you say you believe they</p> <p>10 had direct access, did you know that they</p> <p>11 had direct access?</p> <p>12 A. Yes, we did.</p> <p>13 Q. And how did you know they had</p> <p>14 direct access?</p> <p>15 A. Through the documentation they</p> <p>16 provided, the information they provided,</p> <p>17 through the further vetting of their</p> <p>18 accessibility and access to that</p> <p>19 information that I did independently.</p> <p>20 Q. Did those sources ever appear</p> <p>21 publicly anywhere else?</p> <p>22 MR. GRYGIEL: You can only</p> <p>23 answer that if it won't -- you're talking</p> <p>24 about his confidential sources, Peter?</p> <p>25 MR. HALEY: Yes.</p>
<p style="text-align: right;">Page 134</p> <p>1 JOEL CHEATWOOD</p> <p>2 Why did you discount that</p> <p>3 information?</p> <p>4 MR. GRYGIEL: Object to the</p> <p>5 form.</p> <p>6 A. We took this information back to</p> <p>7 our confidential sources, checked against</p> <p>8 their facts, and with their connection to</p> <p>9 the case, and found this not to be the</p> <p>10 case.</p> <p>11 Again, we also determined that</p> <p>12 Sara's contacts at the FBI did not have a</p> <p>13 direct connection to the Boston bombing</p> <p>14 itself, whereas our confidential sources</p> <p>15 did.</p> <p>16 Q. And so your FBI sources you</p> <p>17 relied on more than Sara's FBI sources?</p> <p>18 MR. GRYGIEL: Object to the form</p> <p>19 of the question. And in his answer, Mr.</p> <p>20 Cheatwood did not identify the agency at</p> <p>21 which the confidential sources he was</p> <p>22 relying on were employed.</p> <p>23 MR. HALEY: Well, I'll rephrase</p> <p>24 the question then.</p> <p>25 BY MR. HALEY:</p>	<p style="text-align: right;">Page 136</p> <p>1 JOEL CHEATWOOD</p> <p>2 MR. GRYGIEL: First of all, do</p> <p>3 you know?</p> <p>4 THE WITNESS: I do not.</p> <p>5 MR. GRYGIEL: So I guess that</p> <p>6 avoids the problem.</p> <p>7 MR. HALEY: Good lawyering.</p> <p>8 BY MR. HALEY:</p> <p>9 Q. And when Mr. Beck spoke about</p> <p>10 Mr. Alharbi's involvement, based on the</p> <p>11 confidential sources, did you make any</p> <p>12 effort to script the program or direct Mr.</p> <p>13 Beck as the talent to also include the fact</p> <p>14 that sources within the FBI were saying</p> <p>15 that this was not the case?</p> <p>16 MR. GRYGIEL: Object to the</p> <p>17 form.</p> <p>18 A. Yes. To the best of my</p> <p>19 recollection, we actually presented the --</p> <p>20 every response that the U.S. government</p> <p>21 made to the accusations that we were</p> <p>22 making.</p> <p>23 Q. Mr. Cheatwood, I show you what's</p> <p>24 been previously marked as Exhibit 83 in</p> <p>25 this action. It's an e-mail from Virginia</p>

<p style="text-align: right;">Page 137</p> <p>1 JOEL CHEATWOOD</p> <p>2 Grace to you on Monday at 3:38 p.m.</p> <p>3 And this is forwarding that same</p> <p>4 e-mail -- it's not clear to me in the</p> <p>5 middle of the page there, 2:02 p.m. --</p> <p>6 where Virginia Grace is thanking you for</p> <p>7 forwarding the e-mail, and then you say:</p> <p>8 "Would love to hear what they say."</p> <p>9 What are you referring to there?</p> <p>10 MR. GRYGIEL: Object to the</p> <p>11 form.</p> <p>12 A. I don't recall what that was in</p> <p>13 reference to.</p> <p>14 Q. At the top of the page,</p> <p>15 Ms. Grace's e-mail says, in reference to a</p> <p>16 conversation with Andy McCarthy,</p> <p>17 parenthetically, it says:</p> <p>18 "In terms of processing</p> <p>19 212(3)(B) classification, Department of</p> <p>20 Homeland Security wasn't created when Andy</p> <p>21 was prosecuting, so he doesn't know the</p> <p>22 label firsthand.</p> <p>23 "Steve Emerson said the</p> <p>24 Department of Homeland Security file has a</p> <p>25 prior event number on it, is a code.</p>	<p style="text-align: right;">Page 139</p> <p>1 JOEL CHEATWOOD</p> <p>2 product as a result of that?</p> <p>3 Did you receive an opinion or a</p> <p>4 treatus or anything else as a result from</p> <p>5 those experts?</p> <p>6 MR. GRYGIEL: Object to the</p> <p>7 form.</p> <p>8 A. The only thing that I recall is</p> <p>9 I recall seeing an e-mail. I'm not sure if</p> <p>10 it was directed to me initially or I was</p> <p>11 copied on it, that outlined the explanation</p> <p>12 of 212(3)(B).</p> <p>13 (Exhibit 111 for</p> <p>14 identification, Series of e-mail messages,</p> <p>15 including e-mail from Mr. Baker to Mr.</p> <p>16 Cheatwood, cc to Messrs. Hall & Weasel,</p> <p>17 production numbers 36227 through 36228.)</p> <p>18 BY MR. HALEY:</p> <p>19 Q. Mr. Cheatwood, I show you what's</p> <p>20 marked as Exhibit 11, which is a series of</p> <p>21 e-mail messages with the Bates stamps 36227</p> <p>22 and 36228, and at the top there's an e-mail</p> <p>23 from Scott Baker to you, copying Mr. Hall</p> <p>24 and Mr. Weasel.</p> <p>25 Who is Mr. Baker referring to</p>
<p style="text-align: right;">Page 138</p> <p>1 JOEL CHEATWOOD</p> <p>2 Doesn't know what it meant and what</p> <p>3 transpired beforehand."</p> <p>4 Did you make an effort to</p> <p>5 determine from somebody other than Mr.</p> <p>6 McCarthy or Mr. Emerson the significance of</p> <p>7 the 212(3)(B) classification?</p> <p>8 MR. GRYGIEL: Object to the</p> <p>9 form.</p> <p>10 A. Yes, we did.</p> <p>11 Q. And that was by contacting your</p> <p>12 confidential sources?</p> <p>13 A. Primarily, confidential sources.</p> <p>14 Also, other experts in the</p> <p>15 field, including a couple of academic</p> <p>16 professors who actually specialize in this</p> <p>17 part of the law. I don't recall who they</p> <p>18 were and I didn't make the direct contact.</p> <p>19 Q. Who made the direct contact?</p> <p>20 A. I believe Joe Weasel's team.</p> <p>21 Q. When you say "Joe Weasel's</p> <p>22 team," who is included in that?</p> <p>23 A. That would be Tom Orr, Ryan Cost</p> <p>24 and Nick Jones and Kate Wilke.</p> <p>25 Q. Was there any written work</p>	<p style="text-align: right;">Page 140</p> <p>1 JOEL CHEATWOOD</p> <p>2 there where he says: "And if Starnes is</p> <p>3 right, that he stands by the story, which</p> <p>4 he told Billy too."</p> <p>5 A. I believe he is referring to</p> <p>6 Todd Starnes, who was a digital reporter</p> <p>7 for foxnews.com.</p> <p>8 Q. And who is Billy?</p> <p>9 A. Billy, I believe he's referring</p> <p>10 to Billy Hallowell, who is a writer for</p> <p>11 theblaze.com.</p> <p>12 Q. Mr. Cheatwood, I show you what's</p> <p>13 been previously marked as Exhibit 84 in</p> <p>14 this action, a series of e-mail messages.</p> <p>15 In the middle of the page,</p> <p>16 there's an e-mail from you to Joe Weasel</p> <p>17 dated Monday, April 22nd at 3:52 p.m., and</p> <p>18 the subject is "On background from Sara,"</p> <p>19 and you're asking Mr. Weasel:</p> <p>20 "Have you been able to share</p> <p>21 with Sara what your sources are saying and</p> <p>22 the level of confidence you have in them?"</p> <p>23 Do you know if Mr. Weasel did</p> <p>24 that?</p> <p>25 A. Yes, I believe he did.</p>

<p style="text-align: right;">Page 141</p> <p>1 JOEL CHEATWOOD</p> <p>2 Q. And Mr. Weasel says:</p> <p>3 "Yes, but that's what we were</p> <p>4 reviewing tomorrow, so I can go over all my</p> <p>5 notes and show her."</p> <p>6 So that review would have been</p> <p>7 on Tuesday, April 23rd; is that correct?</p> <p>8 MR. GRYGIEL: Object.</p> <p>9 Calls for speculation.</p> <p>10 A. I would have no way of knowing</p> <p>11 that for sure based on the e-mail. I would</p> <p>12 assume that to be.</p> <p>13 Q. At the top of the page, your</p> <p>14 message to Mr. Weasel at 4:05 p.m. on</p> <p>15 Monday, April 22nd, is:</p> <p>16 "Still feel solid or did we jump</p> <p>17 the gun?"</p> <p>18 Did you have some concern that</p> <p>19 TheBlaze had jumped the gun in reporting</p> <p>20 the story?</p> <p>21 MR. GRYGIEL: Object to the</p> <p>22 form.</p> <p>23 A. I did not.</p> <p>24 In fact, this was a question</p> <p>25 that I asked in a variety of different ways</p>	<p style="text-align: right;">Page 143</p> <p>1 JOEL CHEATWOOD</p> <p>2 In the very beginning, they</p> <p>3 didn't know exactly the role, but that</p> <p>4 became apparent and specific over a period</p> <p>5 of time. I don't think they became more</p> <p>6 sure. I think they collected more evidence</p> <p>7 that supported the finding.</p> <p>8 Q. But at this point, on Monday,</p> <p>9 April 22nd at 4:05 p.m., you are, based on</p> <p>10 the confidential sources, sure that Mr.</p> <p>11 Alharbi had a role in funding the Boston</p> <p>12 Marathon attacks?</p> <p>13 A. Yes. At this time, our</p> <p>14 confidential sources were adamant that he</p> <p>15 had a role in funding and organizing.</p> <p>16 Q. And they had been adamant as of</p> <p>17 what date?</p> <p>18 MR. GRYGIEL: If you know.</p> <p>19 A. I really don't know the exact</p> <p>20 date.</p> <p>21 Q. I direct your attention to</p> <p>22 Exhibit 68, and the second tab there, which</p> <p>23 is a transcript from Monday, April 22,</p> <p>24 2013, and my question relates to page 23 of</p> <p>25 the transcript, which bears the Bates stamp</p>
<p style="text-align: right;">Page 142</p> <p>1 JOEL CHEATWOOD</p> <p>2 of Mr. Weasel, and all of those involved</p> <p>3 with the story many, many times throughout</p> <p>4 the process.</p> <p>5 In my years of experience, what</p> <p>6 I've always been able to do with this sort</p> <p>7 of investigative story is challenge those</p> <p>8 who are working on it, and ensuring that</p> <p>9 their confidence level remains high, that</p> <p>10 we're not missing anything, and this was</p> <p>11 what I was doing with Mr. Weasel.</p> <p>12 Q. At this point, had your</p> <p>13 confidential sources told you that Mr.</p> <p>14 Alharbi was involved in directing and</p> <p>15 funding the Boston Marathon attacks?</p> <p>16 A. At this time, they believed he</p> <p>17 was involved in funding and organizing.</p> <p>18 Q. Did their statements to you</p> <p>19 about Mr. Alharbi's involvement change at</p> <p>20 all during this period? Did they become</p> <p>21 more sure or less sure at a certain point</p> <p>22 in time?</p> <p>23 A. I would say they, from the</p> <p>24 beginning, knew that there was involvement</p> <p>25 without a shadow of a doubt.</p>	<p style="text-align: right;">Page 144</p> <p>1 JOEL CHEATWOOD</p> <p>2 number 294.</p> <p>3 There, at the top of the page,</p> <p>4 Mr. Beck says to Mr. Burguiere:</p> <p>5 "Stu - you know we are working</p> <p>6 with people at very high levels, and those</p> <p>7 people are being threatened with 20 years</p> <p>8 in prison. 20 years in prison for trying</p> <p>9 to alert the press."</p> <p>10 Were you aware, Mr. Cheatwood,</p> <p>11 that the confidential sources were being</p> <p>12 threatened with 20 years in prison?</p> <p>13 MR. GRYGIEL: Again, you can</p> <p>14 answer the question, Joel, if you're</p> <p>15 comfortable in doing so, you won't be</p> <p>16 identifying the source or sources.</p> <p>17 A. We had been alerted from our</p> <p>18 confidential sources that there could be</p> <p>19 ramifications. They were not specific to</p> <p>20 us, necessarily, as to length of time, but</p> <p>21 that there could be ramifications beyond</p> <p>22 their termination.</p> <p>23 Q. And directing your attention to</p> <p>24 page 38 of the transcript, at the bottom of</p> <p>25 the page there, Mr. Beck, starting on line</p>

<p>Page 145</p> <p>1 JOEL CHEATWOOD</p> <p>2 21, says:</p> <p>3 "Because I think it would have</p> <p>4 been much better if CNN, ABC and NBC would</p> <p>5 have broken this, and I also think it would</p> <p>6 have been much better if the federal</p> <p>7 government would have come out."</p> <p>8 Did you make efforts, Mr.</p> <p>9 Cheatwood, to get CNN, ABC and NBC to go</p> <p>10 with this story?</p> <p>11 MR. GRYGIEL: Objection.</p> <p>12 Asked and answered. You can</p> <p>13 answer.</p> <p>14 A. We specifically reached out to</p> <p>15 ABC. I don't recall whether or not we made</p> <p>16 specific overtures to CNN and NBC.</p> <p>17 Q. And those outlets did not</p> <p>18 proceed with the same story; is that</p> <p>19 correct?</p> <p>20 A. I don't know exactly to what</p> <p>21 extent they covered the story.</p> <p>22 Q. On the next page of the</p> <p>23 transcript, page 39, Mr. Beck states on</p> <p>24 line 3: "By Wednesday afternoon, we knew</p> <p>25 it to be true." So that would have been on</p>	<p>Page 147</p> <p>1 JOEL CHEATWOOD</p> <p>2 government was engaging in a disinformation</p> <p>3 campaign about this story?</p> <p>4 MR. GRYGIEL: Object to the</p> <p>5 form.</p> <p>6 A. The information provided by our</p> <p>7 confidential sources who were directly</p> <p>8 connected to the investigation was in</p> <p>9 direct contrast to what the U.S. government</p> <p>10 was putting out in terms of their</p> <p>11 information.</p> <p>12 We would take every reason,</p> <p>13 excuse, remedy to the situation the U.S.</p> <p>14 government would provide back to our</p> <p>15 confidential sources, who would refute and</p> <p>16 disprove it through the evidence that they</p> <p>17 had direct access to.</p> <p>18 Q. And towards the bottom of the</p> <p>19 page, on page 40, on line 17, Mr. Beck</p> <p>20 says: "But the first one was caught on</p> <p>21 Monday, and we don't know at this point. I</p> <p>22 can speculate, but I won't at this hour. I</p> <p>23 can speculate, and I bet you can draw your</p> <p>24 own conclusions as well as how he was</p> <p>25 involved, but we do know that he was</p>
<p>Page 146</p> <p>1 JOEL CHEATWOOD</p> <p>2 April 17th.</p> <p>3 Is that consistent with your</p> <p>4 memory of what you knew about Mr. Alharbi's</p> <p>5 involvement?</p> <p>6 MR. GRYGIEL: Object to the</p> <p>7 form.</p> <p>8 A. To the best of my recollection,</p> <p>9 by Wednesday afternoon, we had a -- what I</p> <p>10 would term as a critical mass of evidence</p> <p>11 through our confidential sources that</p> <p>12 definitively pointed to Mr. Alharbi.</p> <p>13 Q. And pointed to him as somebody</p> <p>14 who funded the Boston Marathon attacks?</p> <p>15 A. Definitively pointed to his</p> <p>16 involvement, most likely as the funder</p> <p>17 and/or organizer.</p> <p>18 Q. At the bottom of the page 39,</p> <p>19 Mr. Beck says on line 25:</p> <p>20 "And now the government is out</p> <p>21 and out lying to you. They are engaging in</p> <p>22 a disinformation campaign to discredit and</p> <p>23 destroy."</p> <p>24 What information did you have on</p> <p>25 April 22nd that the United States</p>	<p>Page 148</p> <p>1 JOEL CHEATWOOD</p> <p>2 involved."</p> <p>3 So was there some uncertainty on</p> <p>4 Monday, April 22nd about the nature of Mr.</p> <p>5 Alharbi's involvement?</p> <p>6 MR. GRYGIEL: Object to the</p> <p>7 form.</p> <p>8 A. As of April 22nd, we knew that,</p> <p>9 according to our confidential sources, his</p> <p>10 involvement had been as fundraiser and</p> <p>11 organizer.</p> <p>12 Q. Do you know why Mr. Beck is</p> <p>13 saying "We don't know how he was involved"?</p> <p>14 A. I do not.</p> <p>15 Q. Directing your attention to page</p> <p>16 49 of the transcript, there on line 12, Mr.</p> <p>17 Beck is saying: "Our president of</p> <p>18 information and content and news on</p> <p>19 TheBlaze, not only did he reach out inside</p> <p>20 of these monolithic corporations of the</p> <p>21 mainstream media and say, 'Guys, you know</p> <p>22 me, this is right.'"</p> <p>23 Is that you, Mr. Cheatwood?</p> <p>24 Were you, in fact, at this time,</p> <p>25 in April of 2013, the president of</p>

<p style="text-align: right;">Page 149</p> <p>1 JOEL CHEATWOOD</p> <p>2 information and content as TheBlaze?</p> <p>3 MR. GRYGIEL: Object to the</p> <p>4 form.</p> <p>5 A. He is referring to me.</p> <p>6 Q. Did you have a conversation with</p> <p>7 people within the mainstream media</p> <p>8 referring to: Guys, you know me. This is</p> <p>9 right?</p> <p>10 A. As I've previously stated, the</p> <p>11 approach was made to the Wall Street</p> <p>12 Journal. The approach -- not by me</p> <p>13 directly -- to ABC, but I definitively did</p> <p>14 talk to the Wall Street Journal and made an</p> <p>15 overture to Fox News.</p> <p>16 Q. But you don't remember who you</p> <p>17 talked to at The Wall Street Journal;</p> <p>18 right?</p> <p>19 MR. GRYGIEL: Objection.</p> <p>20 A. No.</p> <p>21 Q. And the overture to Fox News is</p> <p>22 you left a voicemail message with Mr.</p> <p>23 Hannity's producer?</p> <p>24 A. That's correct.</p> <p>25 Q. What does Mr. Beck mean by the</p>	<p style="text-align: right;">Page 151</p> <p>1 JOEL CHEATWOOD</p> <p>2 background, and they were adamant about</p> <p>3 that, without being completely specific as</p> <p>4 to what branches of terrorism.</p> <p>5 Q. Were you aware that Alharbi was</p> <p>6 a very common name within Saudi Arabia?</p> <p>7 A. Yes, we were.</p> <p>8 Q. But you believed there was</p> <p>9 information that connected Mr. Alharbi's</p> <p>10 direct family to terrorists that were a</p> <p>11 part of al Qaeda?</p> <p>12 MR. GRYGIEL: Object to the</p> <p>13 form.</p> <p>14 A. Based on our confidential</p> <p>15 sources, that was the case, yes.</p> <p>16 Q. What did your confidential</p> <p>17 sources tell you about those links?</p> <p>18 A. Did not specify, again, as to</p> <p>19 what branch of terrorism or what group</p> <p>20 necessarily specifically he had the links</p> <p>21 to, but indicated there was a family</p> <p>22 history and a connection to known</p> <p>23 terrorists.</p> <p>24 Q. Directing your attention to page</p> <p>25 80 of the transcript, the Bates stamp</p>
<p style="text-align: right;">Page 150</p> <p>1 JOEL CHEATWOOD</p> <p>2 word "mainstream media," do you know?</p> <p>3 A. Generally speaking, the</p> <p>4 mainstream media --</p> <p>5 MR. GRYGIEL: Objection.</p> <p>6 You can answer if you can read</p> <p>7 Glenn's mind.</p> <p>8 A. I don't know exactly what his</p> <p>9 definition is.</p> <p>10 The mainstream media commonly is</p> <p>11 the primary broadcast and cable news</p> <p>12 networks and publications.</p> <p>13 Q. Directing your attention on page</p> <p>14 57 of Exhibit 68, and the Bates stamp</p> <p>15 number 328, continuing with the transcript</p> <p>16 from Monday, April 22nd, there on 12, Mr.</p> <p>17 Beck says: "Abdul Rahman Ali Alharbi, his</p> <p>18 clan is heavy with al Qaeda links."</p> <p>19 What information did you have on</p> <p>20 Monday, April 22nd that Mr. Alharbi and his</p> <p>21 relatives were linked to people who were</p> <p>22 part of al Qaeda?</p> <p>23 A. Our confidential sources had</p> <p>24 consistently told us that there were links</p> <p>25 to terrorism in his family and in his</p>	<p style="text-align: right;">Page 152</p> <p>1 JOEL CHEATWOOD</p> <p>2 number 351 in the lower right-hand corner,</p> <p>3 there, on line 9, Mr. Beck is talking about</p> <p>4 the staff, saying:</p> <p>5 "They've been working around the</p> <p>6 clock. They are very tired."</p> <p>7 And says on line 11:</p> <p>8 "We are very short-staffed."</p> <p>9 Was that true, that the staff at</p> <p>10 TheBlaze was less than what it needed to</p> <p>11 be?</p> <p>12 MR. GRYGIEL: Object to the</p> <p>13 form.</p> <p>14 A. For the purposes of reporting</p> <p>15 this story, no. We had confidential</p> <p>16 sources that gave us access that no other</p> <p>17 media outlet had directly to the</p> <p>18 investigation.</p> <p>19 Q. Why was it that you thought the</p> <p>20 confidential sources were speaking to you</p> <p>21 instead of other media outlets?</p> <p>22 MR. GRYGIEL: Objection.</p> <p>23 A. I can't answer that. I don't</p> <p>24 know.</p> <p>25 Q. Mr. Cheatwood, I show you what's</p>

<p style="text-align: right;">Page 153</p> <p>1 JOEL CHEATWOOD</p> <p>2 been marked as Exhibit 85 in this action,</p> <p>3 which is an e-mail from you to Joe Weasel</p> <p>4 on Monday evening, April 22nd at 6:53 p.m.,</p> <p>5 forwarding a message from Mr. Beck in which</p> <p>6 he is reporting something on Twitter that</p> <p>7 appears to be information reported from</p> <p>8 Brett Baier at Fox News; is that correct?</p> <p>9 MR. GRYGIEL: Object to the</p> <p>10 form.</p> <p>11 A. I believe that's correct.</p> <p>12 Q. Do you know why Mr. Beck was</p> <p>13 concerned with that?</p> <p>14 MR. GRYGIEL: Objection.</p> <p>15 A. To the best of my recollection,</p> <p>16 Mr. Baier had issued a Tweet that talked</p> <p>17 about the documents regarding Mr. Alharbi</p> <p>18 and indicated he had been told it was a</p> <p>19 case of mistaken identity.</p> <p>20 Q. Did you believe Mr. Baier was</p> <p>21 wrong in that instance?</p> <p>22 A. Yes, I did.</p> <p>23 Q. Mr. Cheatwood, I show you what's</p> <p>24 been marked as Exhibit 86, which is an</p> <p>25 e-mail from Scott Baker to you, copy to Joe</p>	<p style="text-align: right;">Page 155</p> <p>1 JOEL CHEATWOOD</p> <p>2 Q. Mr. Cheatwood, I show what's</p> <p>3 marked as Exhibit 87, which is a</p> <p>4 continuation of the earlier e-mails.</p> <p>5 The e-mail where Mr. Baker is</p> <p>6 running copy by you at 6:52 is then</p> <p>7 forwarded by you at 7:16 back to Mr. Baker,</p> <p>8 Joe Weasel and Glen Hall.</p> <p>9 And then you're sending an</p> <p>10 e-mail at 8:10 p.m. on the first page of</p> <p>11 the exhibit, to Mr. Weasel:</p> <p>12 "Sent you the Tweet. We need to</p> <p>13 have someone Tweet and ask who they are.</p> <p>14 He's buying mistaken identity. Wasn't that</p> <p>15 last week's excuse? Can Duncan's office</p> <p>16 explain?"</p> <p>17 The "Duncan" that you're</p> <p>18 referring to there is Congressman Duncan?</p> <p>19 MR. GRYGIEL: Object to the</p> <p>20 form.</p> <p>21 A. Yes, that's correct.</p> <p>22 Q. And the Tweet you're referring</p> <p>23 to there, is that the Tweet from Mr. Baier?</p> <p>24 A. Yes, it is.</p> <p>25 Q. So Mr. Weasel is asking: "Who</p>
<p style="text-align: right;">Page 154</p> <p>1 JOEL CHEATWOOD</p> <p>2 Weasel and Glen Hall, and he says:</p> <p>3 "He's running Jason's copy by</p> <p>4 you before we publish."</p> <p>5 There's a redaction there on</p> <p>6 line 3 where it says: "The Saudi national</p> <p>7 who was initially a person of interest in</p> <p>8 the Boston bombings was placed on a no-fly</p> <p>9 list or terror watch-list after he was</p> <p>10 detained, and before federal authorities</p> <p>11 determined whether he was involved in the</p> <p>12 attack or just a mere witness."</p> <p>13 Do you know who that is?</p> <p>14 MR. GRYGIEL: Same objection</p> <p>15 again, if the answer requires</p> <p>16 identification of a confidential source.</p> <p>17 A. I do not.</p> <p>18 Q. Do you know if this information</p> <p>19 was published by TheBlaze?</p> <p>20 A. I believe it was, yes.</p> <p>21 MR. GRYGIEL: When you say</p> <p>22 "TheBlaze," we're talking about the</p> <p>23 website?</p> <p>24 MR. HALEY: The website.</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 156</p> <p>1 JOEL CHEATWOOD</p> <p>2 is our Twitter person?"</p> <p>3 And then you respond by saying:</p> <p>4 "Sara Johnson, but she's easily</p> <p>5 traceable. Better have someone like Tom</p> <p>6 O'Ryan Tweet and see what he says. I</p> <p>7 thought Duncan's guy talked to Brett."</p> <p>8 Who is "Duncan's guy"?</p> <p>9 MR. GRYGIEL: Object to the</p> <p>10 form.</p> <p>11 A. I don't recall what his guy's</p> <p>12 name was.</p> <p>13 Q. But what was his relationship to</p> <p>14 Congressman Duncan?</p> <p>15 A. My understanding was, he was a</p> <p>16 top aide in the Congressman's office.</p> <p>17 Q. And why were you concerned with</p> <p>18 whether or not a Tweet from Ms. Johnson</p> <p>19 would be traceable?</p> <p>20 A. At that point, we wanted to</p> <p>21 reach out to Brett to have him tell us who</p> <p>22 he was quoting in terms of his information,</p> <p>23 and we felt that we wanted to do it without</p> <p>24 bringing any attention that might be</p> <p>25 negative for him.</p>

<p style="text-align: right;">Page 157</p> <p>1 JOEL CHEATWOOD</p> <p>2 Q. And why would a Tweet from</p> <p>3 Ms. Johnson be negative for Mr. Baier?</p> <p>4 A. Because Tweets are public. We</p> <p>5 didn't want to start anything from a public</p> <p>6 standpoint. We had hoped to just reach out</p> <p>7 to him privately and try to get the source</p> <p>8 of his information.</p> <p>9 Q. What would prevent you from</p> <p>10 simply calling Mr. Baier and asking him</p> <p>11 that?</p> <p>12 A. I believe, to the best of my</p> <p>13 recollection, a call was placed, was not</p> <p>14 successful. We didn't reach him. We were</p> <p>15 looking for alternative means to reach him.</p> <p>16 Q. Your e-mail back to Mr. Weasel</p> <p>17 at 8:15 p.m. says:</p> <p>18 "Ugh. Feel like we're pushing</p> <p>19 the boulder up the hill and a bunch of</p> <p>20 people keep jumping on for the ride."</p> <p>21 What did you mean by that?</p> <p>22 A. At this point, the government</p> <p>23 was changing their story and putting out</p> <p>24 what we regarded, based on our confidential</p> <p>25 sources, as pure misinformation and</p>	<p style="text-align: right;">Page 159</p> <p>1 JOEL CHEATWOOD</p> <p>2 A. No.</p> <p>3 Q. And wouldn't that be part of</p> <p>4 producing the news, though, would be to</p> <p>5 attract more viewers to the website, the</p> <p>6 radio program, the television program?</p> <p>7 MR. GRYGIEL: Objection.</p> <p>8 A. At this point in time,</p> <p>9 viewership and the levels of viewership</p> <p>10 were the least of my concerns.</p> <p>11 Q. At some point in time, were they</p> <p>12 a greater concern?</p> <p>13 A. Not in the case of this story,</p> <p>14 no.</p> <p>15 Q. TheBlaze is a for-profit entity;</p> <p>16 correct?</p> <p>17 A. Yes, it is.</p> <p>18 Q. And the more people who</p> <p>19 subscribe to it or view it, the greater its</p> <p>20 economic portions will be?</p> <p>21 A. Theoretically, yes.</p> <p>22 Q. When you say "theoretically," is</p> <p>23 there some reason why practically that</p> <p>24 wouldn't be the case?</p> <p>25 A. There are a variety of aspects</p>
<p style="text-align: right;">Page 158</p> <p>1 JOEL CHEATWOOD</p> <p>2 disinformation to the point that we were</p> <p>3 spending an enormous amount of time</p> <p>4 disproving the assertions that the</p> <p>5 government was offering. And it felt like</p> <p>6 we were pushing the boulder up the hill in</p> <p>7 trying to keep pace with the disinformation</p> <p>8 they were providing.</p> <p>9 Q. When you say "The problem is, we</p> <p>10 can't maintain momentum," what did you mean</p> <p>11 by that?</p> <p>12 A. In a story like this, where it's</p> <p>13 unfolding and continuing to be organic in</p> <p>14 terms of its development, you want to</p> <p>15 create new information, develop new</p> <p>16 information through facts and try to expand</p> <p>17 upon the information you have.</p> <p>18 It was difficult to maintain</p> <p>19 that effort because we were spending so</p> <p>20 much time going back to our confidential</p> <p>21 sources with the various elements of</p> <p>22 misinformation and disinformation being put</p> <p>23 out by the government.</p> <p>24 Q. And by "momentum," did you also</p> <p>25 mean viewership?</p>	<p style="text-align: right;">Page 160</p> <p>1 JOEL CHEATWOOD</p> <p>2 and conditions that go into running a</p> <p>3 business, a media business.</p> <p>4 Additional subscriptions of</p> <p>5 viewership or readership doesn't always</p> <p>6 translate into pure profit.</p> <p>7 Q. But it generally does translate</p> <p>8 into greater revenue; is that correct?</p> <p>9 A. Greater cash flow. Not</p> <p>10 necessarily revenue.</p> <p>11 Q. What does the difference between</p> <p>12 cash flow and revenue mean?</p> <p>13 A. Well, net revenue.</p> <p>14 Q. So income?</p> <p>15 What I meant by revenue is cash</p> <p>16 in, and income being the profit part of</p> <p>17 that.</p> <p>18 MR. GRYGIEL: Object to the</p> <p>19 form.</p> <p>20 A. Well, it can result in greater</p> <p>21 overall cash flow; not necessarily net</p> <p>22 revenue, depending on circumstances.</p> <p>23 (Exhibit 112 for</p> <p>24 identification, E-mail from Mr. Iglar to</p> <p>25 Mr. Cheatwood.)</p>

<p style="text-align: right;">Page 161</p> <p>1 JOEL CHEATWOOD</p> <p>2 BY MR. HALEY:</p> <p>3 Q. Mr. Cheatwood, I show you what's</p> <p>4 marked as Exhibit 112, which is an e-mail</p> <p>5 from Mark Iglar to you on Monday,</p> <p>6 April 22nd at 10:58 p.m.</p> <p>7 Who is Mr. Iglar?</p> <p>8 A. At that point, Mr. Iglar was the</p> <p>9 chief security officer from Gavin de Becker</p> <p>10 attached to Glenn Beck.</p> <p>11 Q. Who is Gavin de Becker?</p> <p>12 A. Gavin de Becker is the name of a</p> <p>13 person and also a security firm that</p> <p>14 provided security for Mr. Beck.</p> <p>15 Q. And was Mr. Iglar, part of his</p> <p>16 role to provide information to TheBlaze?</p> <p>17 A. Mr. Iglar's role was to pass</p> <p>18 along the e-mails to Glenn. Glenn, for</p> <p>19 reasons of privacy, did not maintain a</p> <p>20 private e-mail account.</p> <p>21 Q. And Mr. Iglar acted as, what,</p> <p>22 somebody who sent along Mr. Beck's e-mails?</p> <p>23 A. Typically, an e-mail that was</p> <p>24 sent to Mark Iglar for Glenn resulted in</p> <p>25 Mark handing his iPhone to Glenn so he</p>	<p style="text-align: right;">Page 163</p> <p>1 JOEL CHEATWOOD</p> <p>2 never a subject -- he was never even really</p> <p>3 a person of interest.</p> <p>4 "Because he was being</p> <p>5 interviewed, he was at that point put on a</p> <p>6 watch-list. And then when it was quickly</p> <p>7 determined he had nothing to do with the</p> <p>8 bombing, the watch-listing status was</p> <p>9 removed."</p> <p>10 Did you become aware of this</p> <p>11 testimony by Secretary Napolitano?</p> <p>12 A. Yes.</p> <p>13 Q. And did you believe it to be</p> <p>14 inaccurate?</p> <p>15 A. I believed it to be patently</p> <p>16 false.</p> <p>17 Q. And the basis of that belief was</p> <p>18 what?</p> <p>19 A. The information and evidence</p> <p>20 provided by multiple confidential sources.</p> <p>21 Q. And the multiple confidential</p> <p>22 sources were the four sources you spoke</p> <p>23 about earlier; correct?</p> <p>24 A. That's correct.</p> <p>25 Q. And after this testimony was</p>
<p style="text-align: right;">Page 162</p> <p>1 JOEL CHEATWOOD</p> <p>2 could read it.</p> <p>3 Q. So your e-mail at Monday,</p> <p>4 April 22nd at 9:49 p.m. to Mr. Iglar was,</p> <p>5 by sending it to Mr. Iglar, you were</p> <p>6 intending that it be received by Mr. Beck?</p> <p>7 A. That's correct.</p> <p>8 Q. Mr. Cheatwood, I show you what's</p> <p>9 been previously marked in this matter as</p> <p>10 Exhibit 88, which is a transcript of a</p> <p>11 Congressional hearing before the Senate</p> <p>12 Judiciary Committee on April 23, 2013, and</p> <p>13 at the page numbered 11550-0013, which</p> <p>14 appears on the lower right-hand corner of</p> <p>15 the document, Secretary Napolitano is asked</p> <p>16 a question by Senator Grassley:</p> <p>17 "With regard to the Saudi</p> <p>18 student, was he on a watch-list; and, if</p> <p>19 so, how did he obtain a student Visa?"</p> <p>20 And Secretary Napolitano</p> <p>21 responds by saying:</p> <p>22 "He was not on a watch-list.</p> <p>23 What happened is, this student was --</p> <p>24 really, when you back it -- he was in the</p> <p>25 wrong place at the wrong time. He was</p>	<p style="text-align: right;">Page 164</p> <p>1 JOEL CHEATWOOD</p> <p>2 provided by Secretary Napolitano, did you</p> <p>3 go back to those sources to ask them about</p> <p>4 this?</p> <p>5 A. Absolutely. One of many, many,</p> <p>6 many times we went back to our confidential</p> <p>7 sources to check the information the</p> <p>8 government was providing against the facts</p> <p>9 of the case.</p> <p>10 Q. And what did the confidential</p> <p>11 sources say to you?</p> <p>12 A. They said the statement was</p> <p>13 patently false.</p> <p>14 Q. And was that all four sources or</p> <p>15 one?</p> <p>16 A. It, as I recall, was all four.</p> <p>17 Q. Did you have any of those</p> <p>18 conversations yourself?</p> <p>19 A. I did not.</p> <p>20 Q. Who had those conversations?</p> <p>21 A. Joe Weasel.</p> <p>22 Q. Did you have any understanding</p> <p>23 or any belief as to why Secretary</p> <p>24 Napolitano would provide testimony that was</p> <p>25 false?</p>

<p style="text-align: right;">Page 165</p> <p>1 JOEL CHEATWOOD</p> <p>2 A. I couldn't tell you.</p> <p>3 Q. Mr. Cheatwood, I show you what's</p> <p>4 been previously marked as Exhibit 89 in</p> <p>5 this matter, which is an e-mail to Joe</p> <p>6 Weasel, dated April 23rd at 6:52 a.m., from</p> <p>7 what appears to be -- do you know if this</p> <p>8 was from one of your confidential sources?</p> <p>9 A. I don't have direct knowledge of</p> <p>10 that.</p> <p>11 Q. Do you know who this was from?</p> <p>12 A. I do not.</p> <p>13 Q. And the person who is sending</p> <p>14 the e-mail to Mr. Weasel on Tuesday morning</p> <p>15 at 6:52 a.m. says, in the next-to-last</p> <p>16 paragraph: "In all, two Saudis with no</p> <p>17 proven links to the bombing conspiracy."</p> <p>18 Did Mr. Weasel ever share that</p> <p>19 information with you?</p> <p>20 MR. GRYGIEL: Just be clear that</p> <p>21 you read the entire e-mail, Joel, before</p> <p>22 you answer that question.</p> <p>23 A. Okay. I've read it.</p> <p>24 Can you repeat the question?</p> <p>25 Q. Sure. Let me do this. Let me</p>	<p style="text-align: right;">Page 167</p> <p>1 JOEL CHEATWOOD</p> <p>2 Q. So in addition to the four</p> <p>3 primary confidential sources, there was a</p> <p>4 further confidential or fifth confidential</p> <p>5 source?</p> <p>6 A. There were actually several</p> <p>7 other confidential sources that we relied</p> <p>8 on for context and perspective, primarily.</p> <p>9 Q. And when Mr. Weasel sent this to</p> <p>10 you, in which this source is saying "In</p> <p>11 all, two Saudis with no proven links to the</p> <p>12 bombing conspiracy," did you ever discuss</p> <p>13 that with him?</p> <p>14 A. Yes, I did.</p> <p>15 Q. What discussion did you have</p> <p>16 with him?</p> <p>17 MR. GRYGIEL: Be clear which two</p> <p>18 Saudis we're talking about here. You can</p> <p>19 answer with that --</p> <p>20 THE WITNESS: Right.</p> <p>21 A. The first thing we did is went</p> <p>22 back to our primary confidential sources to</p> <p>23 check the information that had been</p> <p>24 provided by this source.</p> <p>25 And, again, they were adamant in</p>
<p style="text-align: right;">Page 166</p> <p>1 JOEL CHEATWOOD</p> <p>2 also show you Exhibit 90, which Exhibit 90</p> <p>3 is forwarding that same e-mail to you at</p> <p>4 9:35 a.m. from Mr. Weasel.</p> <p>5 And Mr. Weasel forwards it</p> <p>6 saying: "Absolutely don't forward. Can't</p> <p>7 out his e-mail address or code name."</p> <p>8 Did one of the confidential</p> <p>9 sources have a code name?</p> <p>10 MR. GRYGIEL: If you can answer</p> <p>11 without identifying the source.</p> <p>12 A. I don't recall. I don't recall</p> <p>13 a code name.</p> <p>14 Q. Does this refresh your</p> <p>15 recollection about whether the person who</p> <p>16 sent the 6:52 a.m. e-mail was one of the</p> <p>17 confidential sources?</p> <p>18 A. To the best of my recollection,</p> <p>19 this was not one of the primary</p> <p>20 confidential sources.</p> <p>21 Q. So when you say "not one of the</p> <p>22 primary," so that would have been one of</p> <p>23 the four people that you testified about</p> <p>24 earlier?</p> <p>25 A. This was not one of the four.</p>	<p style="text-align: right;">Page 168</p> <p>1 JOEL CHEATWOOD</p> <p>2 that the evidence that had been presented</p> <p>3 and that was continuing to be presented to</p> <p>4 them linked Alharbi to the conspiracy.</p> <p>5 The two Saudis that were</p> <p>6 mentioned in the final -- the</p> <p>7 second-to-last paragraph did not include</p> <p>8 Alharbi.</p> <p>9 Q. And in the first paragraph,</p> <p>10 where it says that "Alharbi was not free to</p> <p>11 leave custody until Wednesday at 5:35 p.m.,</p> <p>12 when his record was changed and they</p> <p>13 rescinded the INA 212(a)(3)(B)(i)(II),"</p> <p>14 that information, that the 212(3)(B) status</p> <p>15 had been rescinded, did you believe that to</p> <p>16 be accurate?</p> <p>17 MR. GRYGIEL: Object to the</p> <p>18 form.</p> <p>19 A. We knew, according to our</p> <p>20 confidential sources, that at that point,</p> <p>21 on Wednesday, the record had been not only</p> <p>22 rescinded, but removed from circulation.</p> <p>23 Q. And did you ever report that?</p> <p>24 A. We did.</p> <p>25 Q. And when did you report that?</p>

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1 JOEL CHEATWOOD
2 A. I believe we reported it, to the
3 best of my recollection, on Wednesday. It
4 may have been Tuesday.
5 Q. And Wednesday, the 24th; or
6 Wednesday, the 17th?
7 A. No. I'm sorry, it would have
8 been Wednesday, the week of the actual
9 bombing.
10 Q. So that Wednesday, by the week
11 of the actual bombing, you knew that Mr.
12 Alharbi had not been designated or did not
13 remain as a person designated under
14 212(a)(3)(B)?
15 MR. GRYGIEL: Object to the
16 form.
17 A. We knew as of Wednesday that his
18 file had been removed.
19 Q. Here the source is saying that
20 the status had been rescinded.
21 Did you regard that as meaning
22 the file had been removed?
23 A. We actually -- almost, as I
24 recall, it was an act that happened in
25 succession.

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1 JOEL CHEATWOOD
2 They rescinded the 212(a)(3)(B)
3 at the same time that his entire event file
4 was removed from access to law enforcement.
5 MR. HALEY: Off the record.
6 (A recess was taken.)
7 BY MR. HALEY:
8 Q. Mr. Cheatwood, if I can direct
9 your attention again to the next tab in
10 Exhibit 68, the transcript, and this is a
11 transcript from the program on April 24,
12 2013, and my question relates to page 10,
13 which has the Bates stamp number 470 on it.
14 On line 14, Mr. Beck says:
15 "I will tell you that, you know,
16 we are working with some extraordinarily
17 brave men and women in the federal law
18 enforcement community, as well as the
19 federal government, that are risking not
20 only their livelihoods, but at this point,
21 are risking their lives to bring this
22 information to us."
23 Did you have any information
24 that people who were providing information
25 to you were risking their lives?

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1 JOEL CHEATWOOD
2 MR. GRYGIEL: Objection.
3 A. We knew based on the information
4 provided to us by our confidential sources
5 that they were taking a risk that certainly
6 would have significant impact on their
7 lives. That was clear.
8 Q. Directing your attention to page
9 49 in the transcript, Bates stamp number
10 509, there Mr. Beck is making reference to
11 the event file, and says on line 5:
12 "What does this mean? That
13 means this guy doesn't have one event.
14 When they opened this while he was at the
15 hospital, they found he's already in the
16 system. He's already a 212(3)(B)."
17 Was that something that your
18 confidential sources told you, that prior
19 to the Boston Marathon attacks on April 15,
20 2013, Mr. Alharbi had already been
21 classified under Section 212(3)(B)?
22 MR. GRYGIEL: Object to the
23 form.
24 A. Our confidential sources, and
25 based on the evidence they provided,

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1 JOEL CHEATWOOD
2 indicated that there was a prior event, to
3 the best of my knowledge. The nature of
4 the event was not specified.
5 Q. If I could direct your attention
6 to the next tab, which is dated May 1,
7 2013, and specifically page 8, which bears
8 the Bates stamp number 830.
9 On line 12, Mr. Beck says:
10 "Theblaze.com had record traffic
11 last month."
12 And goes on, on line 15, to say:
13 "Last month, we had 14 million
14 unique visitors and more than 115 million
15 page views."
16 Was that information accurate,
17 as far as you know?
18 A. I do not know.
19 Q. Do you have any reason to
20 believe it's inaccurate?
21 A. I don't recall the specific
22 numbers. I really can't speak to its
23 accuracy otherwise.
24 Q. And then on line 17 at page 12,
25 Bates stamp number 834, on line 17, Mr.

<p style="text-align: right;">Page 173</p> <p>1 JOEL CHEATWOOD</p> <p>2 Beck says: "If you remember, the person of</p> <p>3 interest from Saudi Arabia in the Boston</p> <p>4 Marathon bombing was Alharbi, completely</p> <p>5 off the DHS radar screen."</p> <p>6 And then he goes on, on page 13,</p> <p>7 at line 2, to say:</p> <p>8 "Nobody from the media cares</p> <p>9 about this guy."</p> <p>10 And then he says at line 4:</p> <p>11 "I don't know how this guy was</p> <p>12 involved, but he's involved."</p> <p>13 On May 1st, was it accurate to</p> <p>14 say that TheBlaze did not know how Mr.</p> <p>15 Alharbi was involved in the Boston Marathon</p> <p>16 attacks?</p> <p>17 A. No. Based on the information</p> <p>18 provided by our chief confidential source</p> <p>19 and verified by the other confidential</p> <p>20 sources, the understanding was that he was</p> <p>21 involved with financing and organizing the</p> <p>22 Boston bombing.</p> <p>23 Q. Do you know why Mr. Beck is</p> <p>24 saying: "I don't know how he's involved"?</p> <p>25 A. I do not.</p>	<p style="text-align: right;">Page 175</p> <p>1 JOEL CHEATWOOD</p> <p>2 investigation progressed and as it</p> <p>3 developed organically, our confidential</p> <p>4 sources became completely convinced that</p> <p>5 that had been his role.</p> <p>6 Q. And when you say "completely</p> <p>7 convinced," at what point were they</p> <p>8 completely convinced, or did they</p> <p>9 communicate that to you?</p> <p>10 MR. GRYGIEL: Object to the</p> <p>11 form.</p> <p>12 A. I don't know what date that they</p> <p>13 arrived at that. That was certainly their</p> <p>14 considered judgement going into this, once</p> <p>15 the event occurred and once they</p> <p>16 established he had not actually triggered</p> <p>17 the bombs themselves.</p> <p>18 But certainly I would say</p> <p>19 between May 1st and May 8th, our chief</p> <p>20 confidential source, who has a deep</p> <p>21 background in investigating terror cells --</p> <p>22 how they're created, how they're funded,</p> <p>23 how they're executed, has a deep background</p> <p>24 since 2009 in ISB and the operations of</p> <p>25 that organization, its links to terror --</p>
<p style="text-align: right;">Page 174</p> <p>1 JOEL CHEATWOOD</p> <p>2 Q. Do you know why up until this</p> <p>3 point, May 1, 2013, there's never any</p> <p>4 reference to Mr. Alharbi's role in funding</p> <p>5 the attacks?</p> <p>6 MR. GRYGIEL: Objection to the</p> <p>7 question.</p> <p>8 A. I don't understand the question.</p> <p>9 Q. So from the date of the event,</p> <p>10 April 15, 2013, to May 1, 2013, shortly</p> <p>11 thereafter, your testimony was based on</p> <p>12 your confidential sources, you determined</p> <p>13 that Mr. Alharbi had a role in funding the</p> <p>14 attacks.</p> <p>15 My question is: Why is there no</p> <p>16 reference to his role as a funder of the</p> <p>17 attacks between April 15th and May 1, 2013?</p> <p>18 MR. GRYGIEL: Object to the</p> <p>19 form.</p> <p>20 A. At that point, for the period</p> <p>21 leading up to May 1st, it seemed more</p> <p>22 important to us to establish his</p> <p>23 involvement.</p> <p>24 It was less of a concern as to</p> <p>25 what specific role he played, but as the</p>	<p style="text-align: right;">Page 176</p> <p>1 JOEL CHEATWOOD</p> <p>2 became absolutely convinced that that was</p> <p>3 the role.</p> <p>4 Q. Did you know if he ever</p> <p>5 communicated that to anyone else?</p> <p>6 A. I have no idea.</p> <p>7 Q. Are you aware of why the</p> <p>8 government wouldn't have pursued Mr.</p> <p>9 Alharbi if he had been the person who</p> <p>10 funded the attacks?</p> <p>11 A. You would have to ask them.</p> <p>12 Q. Did you ever ask them?</p> <p>13 A. Hundreds and hundreds of times.</p> <p>14 Q. And what was their response?</p> <p>15 A. Typically, no response.</p> <p>16 Q. If I could direct your attention</p> <p>17 to the transcript of broadcast May 8, 2013,</p> <p>18 and page 21.</p> <p>19 During this period, May 1st to</p> <p>20 May 8, 2013, was there continuing</p> <p>21 communication with the confidential</p> <p>22 sources?</p> <p>23 A. Continuous, yes.</p> <p>24 Q. And who was having that</p> <p>25 communication?</p>

Page 177

1 JOEL CHEATWOOD
2 A. Joe Weasel.
3 Q. And what form did the
4 communication take: E-mail, meetings in
5 person, phone? Do you know?
6 A. You would have to ask Joe what
7 the specific connection was.
8 I would -- to the best of my
9 recollection, phone.
10 Q. And is this a story that you
11 were still pursuing in this period, May 1st
12 to May 8th?
13 A. Absolutely.
14 Q. Was there a particular
15 communication between May 1st and May 8th
16 that changed the story or changed the
17 reporting?
18 MR. GRYGIEL: Object to the
19 form. There's been no foundation that any
20 reporting has been changed.
21 A. I would agree.
22 I don't think that the nature of
23 the reporting changed at all.
24 Q. Well, on May 1, 2013, Mr. Beck
25 states: "I don't know how Mr. Alharbi was

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1 JOEL CHEATWOOD
2 involved."
3 Correct?
4 A. According to the transcript.
5 Q. Do you have some reason to
6 believe the transcript is inaccurate?
7 A. I can't verify it myself, but I
8 would assume it's accurate.
9 Q. And so then, on May 8th, on page
10 21 of the Exhibit 68, Mr. Beck states at
11 line 21:
12 "You have the Saudi that they
13 know in advance, and you know who the Saudi
14 is? The money man. That's who the Saudi
15 is. He's the guy who actually paid for it.
16 He's the money man."
17 So was there something between
18 May 1st and May 8th that you're aware of
19 that would have changed Mr. Beck's
20 reporting or statements on this?
21 MR. GRYGIEL: Object to the
22 form.
23 A. To the best of my recollection,
24 there were multiple conversations with our
25 chief confidential source who had continued

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1 JOEL CHEATWOOD
2 to work that angle of the investigation.
3 And, again, based on his deep
4 knowledge of ISB and terrorism and
5 terrorism cells specifically in that area,
6 combined with the evidence that he had
7 complete access to, had absolutely without
8 a shadow of a doubt come to that
9 conclusion.
10 Q. And was there a meeting on the
11 morning of May 8th and the afternoon of
12 May 8th to discuss the program?
13 A. I don't have a specific
14 recollection. I would assume there was.
15 Q. And was the Boston Marathon
16 attack to be a subject of the program on
17 that day?
18 A. I believe it was.
19 Q. And other than this reference,
20 how come there are no remarks or statements
21 about the attack?
22 MR. GRYGIEL: Objection.
23 A. Remarks or statements where?
24 Q. Well, so the program that day
25 seems to be focused on what's going on in

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1 JOEL CHEATWOOD
2 Cleveland or what's going on someplace
3 else. There really isn't a focus on the
4 Boston Marathon attack.
5 This seems to come up as a
6 sideline issue, reviewing the transcript.
7 MR. GRYGIEL: Objection.
8 You can answer the question if
9 you understand it.
10 A. Not being involved in the
11 production of the radio program, I don't
12 know why the choice was made.
13 Q. On page 22 of the transcript,
14 Mr. Burguiere asked Mr. Beck:
15 "I mean, is this -- is this
16 speculation or are you reporting something
17 or somewhere in between? Is that what
18 we're learning?"
19 Was that an unusual question for
20 Mr. Burguiere to ask?
21 A. No. It's in keeping with the
22 nature of their relationship, the roles
23 that they play on the radio show, and
24 Steve, or "Stu," as he's more commonly
25 known as, is always the sort of person who

<p style="text-align: right;">Page 181</p> <p>1 JOEL CHEATWOOD</p> <p>2 asks the questions and forces Glenn to</p> <p>3 answer.</p> <p>4 Q. Your meeting with the primary</p> <p>5 confidential source in May in D.C., was</p> <p>6 that before or after May 8th?</p> <p>7 MR. GRYGIEL: Objection to the</p> <p>8 question. Can I have it read back.</p> <p>9 (Requested portion of record</p> <p>10 read.)</p> <p>11 MR. GRYGIEL: The only thing I</p> <p>12 object to, Peter, just so the record is</p> <p>13 clear, I don't think Mr. Cheatwood</p> <p>14 characterized the source he met with as the</p> <p>15 primary confidential source, as you've been</p> <p>16 using the term throughout the deposition.</p> <p>17 MR. HALEY: Okay. Fair enough.</p> <p>18 BY MR. HALEY:</p> <p>19 Q. So your meeting with the source</p> <p>20 in D.C. in May, was that before or after</p> <p>21 May 8th?</p> <p>22 A. I believe it was after May 8th.</p> <p>23 Q. Mr. Cheatwood, I show you what's</p> <p>24 been marked as Exhibit 96 in this matter,</p> <p>25 which is an e-mail from Sara Johnson to</p>	<p style="text-align: right;">Page 183</p> <p>1 JOEL CHEATWOOD</p> <p>2 A. We felt this was a story of</p> <p>3 great public interest.</p> <p>4 Q. Did you receive reports of</p> <p>5 income and revenues on TheBlaze?</p> <p>6 A. I was copied on some. Not all.</p> <p>7 Q. Mr. Cheatwood, I show you what's</p> <p>8 been previously marked as Exhibit 100 in</p> <p>9 this matter, and it is an e-mail attaching</p> <p>10 what's referred to as an April SEO report.</p> <p>11 Have you seen this before?</p> <p>12 A. I have not.</p> <p>13 Q. Do you know what this is?</p> <p>14 A. I do not.</p> <p>15 (Exhibit 113 for</p> <p>16 identification, E-mail from Mr. Creter to</p> <p>17 Mr. Cheatwood, production numbers 35052.)</p> <p>18 BY MR. HALEY:</p> <p>19 Q. Mr. Cheatwood, I show you what's</p> <p>20 been marked as Exhibit 113, which is an</p> <p>21 e-mail bearing the Bates stamp number</p> <p>22 35052.</p> <p>23 It's an e-mail to you from Mr.</p> <p>24 Creter at the Gavin de Becker agency.</p> <p>25 It says that: "We have received</p>
<p style="text-align: right;">Page 182</p> <p>1 JOEL CHEATWOOD</p> <p>2 Glen Hall.</p> <p>3 Have you seen this before?</p> <p>4 A. Yes.</p> <p>5 Q. And it says there that:</p> <p>6 "Mr. Beck is going to be pushing</p> <p>7 212(3)(B) to help spread this story on</p> <p>8 social. Would you mind asking the editors</p> <p>9 to use hashtags and Tweets about the doc</p> <p>10 and related stories."</p> <p>11 And then in the e-mail at the</p> <p>12 top of the page, she changes that to:</p> <p>13 "Glenn Beck would like to use</p> <p>14 the hashtag Blaze 212(3)(B) instead."</p> <p>15 Is this something that you were</p> <p>16 involved with at all?</p> <p>17 A. I was made aware of it. I was</p> <p>18 not directly involved.</p> <p>19 Q. And was spreading the story on</p> <p>20 social media something that was important</p> <p>21 to TheBlaze?</p> <p>22 A. It was important from the</p> <p>23 context of trying to generate basically a</p> <p>24 broader exposure to the story.</p> <p>25 Q. And why was that important?</p>	<p style="text-align: right;">Page 184</p> <p>1 JOEL CHEATWOOD</p> <p>2 the below request for further information</p> <p>3 regarding Abdul Rahman Ali Alharbi."</p> <p>4 And then it says:</p> <p>5 "We are not aware of or able to</p> <p>6 confirm anything related to Abdul Rahman</p> <p>7 Ali Alharbi."</p> <p>8 Is this a request that was made</p> <p>9 by you to the de Becker agency?</p> <p>10 A. Yes.</p> <p>11 Q. And other than your request to</p> <p>12 the de Becker agency, did you use any other</p> <p>13 outside sources to try and develop</p> <p>14 information on Mr. Alharbi?</p> <p>15 A. We used confidential sources,</p> <p>16 yes.</p> <p>17 Q. And those are the confidential</p> <p>18 sources that you've testified to</p> <p>19 previously; is that correct?</p> <p>20 A. That's correct.</p> <p>21 Q. Was there anyone else that you</p> <p>22 used? Did you employ any law firms or any</p> <p>23 other investigative agencies?</p> <p>24 A. We did not.</p> <p>25 Q. And the cc here on Thursday,</p>

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1 JOEL CHEATWOOD
2 April 25th to Mark Iglar, or, more
3 importantly, your message at the bottom of
4 the page at 7:43 a.m., that was a message
5 that was intended to be directed to Mr.
6 Beck?
7 A. No. This was directed to Mark
8 Iglar, who was the chief agent for Gavin de
9 Becker attached to Glenn's security detail.
10 Q. So why is the subject: "For
11 GB"?
12 A. This was, as I recall, resulting
13 in a conversation that I had had with
14 Glenn, where he suggested that Gavin de
15 Becker's organization might be able to
16 develop information on Mr. Alharbi in Saudi
17 Arabia.
18 Q. Mr. Cheatwood, I show you what's
19 previously been marked as Exhibit 101,
20 which is a message from Joe Weasel to
21 Patrick Poole.
22 And Mr. Poole, in the first
23 e-mail message at 11:10 a.m., is stating
24 that: "Somebody is calling in this week
25 and he's meeting -- he will have his union

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1 JOEL CHEATWOOD
2 rep with him."
3 Was this person one of your
4 confidential sources?
5 MR. GRYGIEL: Object to the
6 extent, if answering this question, Joel,
7 would provide information that could lead
8 to disclosure of the source's identity, if
9 it's a situation where you would want to
10 invoke the First Amendment Reporter's
11 Privilege, if you know.
12 A. I have no direct knowledge of
13 who he was speaking about.
14 Q. Do you know why Mr. Weasel is
15 writing to Mr. Poole at the top of the
16 page: "Maybe in the end this will be a
17 good thing"?
18 A. I do not.
19 (Exhibit 114 for
20 identification, Series of e-mail messages,
21 including e-mail from Mr. Joe Strupp to
22 Virginia Grace.)
23 BY MR. HALEY:
24 Q. Mr. Cheatwood, I show you what's
25 marked as Exhibit 114, which is a series of

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1 JOEL CHEATWOOD
2 e-mail messages.
3 On the second page is an e-mail
4 from Mr. Joe Strupp at Media Matters to
5 Virginia Grace asking about an e-mail that
6 starts at the bottom of the second page,
7 1136, and goes over to the second page --
8 or the third page, rather, 1137.
9 It appears to be directed to
10 members of Congress.
11 Is this an e-mail that TheBlaze
12 sent out?
13 MR. GRYGIEL: Which e-mail are
14 we talking about?
15 MR. HALEY: The e-mail in
16 italics.
17 BY MR. HALEY:
18 Q. So Mr. Strupp writes:
19 "I'm a reporter working on a
20 potential story on this e-mail (below) you
21 sent to most members of Congress related to
22 the Boston Marathon bombing."
23 And my question to you, Mr.
24 Cheatwood, is: Did TheBlaze send out this
25 e-mail in italics to most members of

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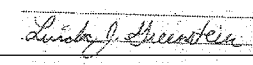
1 JOEL CHEATWOOD
2 Congress?
3 A. Can I take a moment to read
4 this?
5 Q. Of course.
6 A. Yes, I believe this was
7 generated by TheBlaze.
8 Q. What was the purpose of the
9 e-mail?
10 MR. GRYGIEL: Just so we're
11 clear on the record, when you say
12 "TheBlaze" in that sentence, who are you
13 referring to?
14 A. This, I believe, was generated
15 -- this actually, I believe, was composed
16 and sent by a producer on Glenn's program,
17 Glenn Beck's program.
18 Q. Who was the producer?
19 A. Virginia Grace.
20 Q. And what was the purpose, if you
21 know, in sending it out?
22 A. This was a result of I think
23 overall frustration at the stonewalling and
24 disinformation that was being -- really the
25 norm in dealing with government agencies,

<p style="text-align: right;">Page 189</p> <p>1 JOEL CHEATWOOD</p> <p>2 trying to get information and confirmation</p> <p>3 on this case.</p> <p>4 The decision was made to reach</p> <p>5 out to members of Congress to see if they</p> <p>6 would, in fact, demand action on the part</p> <p>7 of Janet Napolitano in releasing</p> <p>8 information and addressing the questions</p> <p>9 that we had been raising as a news</p> <p>10 organization.</p> <p>11 Q. And on the first page of the</p> <p>12 exhibit, there's an e-mail from Josh</p> <p>13 Raffel.</p> <p>14 Who is Mr. Raffel?</p> <p>15 A. At that time, Josh Raffel was a</p> <p>16 media relations person employed by an</p> <p>17 outside agency.</p> <p>18 Q. And that was HS Strategies or --</p> <p>19 A. Yes.</p> <p>20 Q. And and Mr. Raffel in his e-mail</p> <p>21 of April 25th, 3:32 p.m.: "Can we find the</p> <p>22 leak?"</p> <p>23 Do you know what he's referring</p> <p>24 to there?</p> <p>25 A. I believe he's referring to the</p>	<p style="text-align: right;">Page 191</p> <p>1 JOEL CHEATWOOD</p> <p>2 A. Not in the sense of the validity</p> <p>3 of the information.</p> <p>4 As a journalist, you always want</p> <p>5 someone to step forward, if at all</p> <p>6 possible, and reveal themselves with the</p> <p>7 information. This was not possible in this</p> <p>8 case and we understood that. Never doubted</p> <p>9 the validity of the information.</p> <p>10 Q. And with respect to the</p> <p>11 verifying the information that was provided</p> <p>12 by the confidential sources, you had the</p> <p>13 two documents that we reviewed, Exhibit 60</p> <p>14 and 61, and the information provided to you</p> <p>15 by the confidential sources; is that</p> <p>16 correct?</p> <p>17 MR. GRYGIEL: Objection.</p> <p>18 I think that seriously</p> <p>19 mischaracterizes the testimony, Peter, but</p> <p>20 you may answer.</p> <p>21 A. We literally had hundreds of</p> <p>22 hours of conversation with multiple</p> <p>23 conversational sources that supported the</p> <p>24 facts that we presented.</p> <p>25 Q. And those sources were the</p>
<p style="text-align: right;">Page 190</p> <p>1 JOEL CHEATWOOD</p> <p>2 person or individual who might have given</p> <p>3 this to the Media Matters reporter.</p> <p>4 MR. HALEY: I don't think I have</p> <p>5 too much more.</p> <p>6 I'll take a few minutes to look</p> <p>7 at my notes, make sure I don't have</p> <p>8 anything else, and I'll get you guys out of</p> <p>9 here.</p> <p>10 (A recess was taken.)</p> <p>11 BY MR. HALEY:</p> <p>12 Q. Mr. Cheatwood, with respect to</p> <p>13 the story about Mr. Alharbi's funding the</p> <p>14 Boston Marathon attacks, is it fair to say</p> <p>15 that TheBlaze was unsuccessful in ever</p> <p>16 getting a source to publicly go on the</p> <p>17 record to verify that story?</p> <p>18 MR. GRYGIEL: Object to the</p> <p>19 form.</p> <p>20 A. The information came from</p> <p>21 confidential sources. They did not</p> <p>22 publicly go on the record.</p> <p>23 Q. And was that a concern to you,</p> <p>24 that you couldn't get anyone to publicly go</p> <p>25 on the record?</p>	<p style="text-align: right;">Page 192</p> <p>1 JOEL CHEATWOOD</p> <p>2 confidential sources?</p> <p>3 A. Primarily the confidential</p> <p>4 sources, but also experts in the area that</p> <p>5 we relied upon for perspective, context,</p> <p>6 confirmation, that aided in our painting</p> <p>7 the full picture.</p> <p>8 Q. And those were the experts that</p> <p>9 you testified about earlier; is that</p> <p>10 correct?</p> <p>11 A. That's correct.</p> <p>12 MR. HALEY: I don't have any</p> <p>13 further questions.</p> <p>14 I'll suspend to the extent the</p> <p>15 Court may order the confidential sources</p> <p>16 disclosed, I'll reserve the right to</p> <p>17 question Mr. Cheatwood about those sources</p> <p>18 at that time.</p> <p>19 MR. GRYGIEL: And of course we</p> <p>20 will oppose any such effort to disclose the</p> <p>21 identity of the sources.</p> <p>22 One thing we ought to talk</p> <p>23 about, Peter, is a 30(b)(6) for Premiere.</p> <p>24 Do you still intend to do that?</p> <p>25 MR. HALEY: Can we go off the</p>

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1 JOEL CHEATWOOD
2 record on it?
3 MR. GRYGIEL: Sure.
4 (Time noted: 2:48 p.m.)
5
6 JOEL CHEATWOOD
7 Subscribed and sworn to before me
8 this ____ day of ____, 2016.
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1 CERTIFICATE
2
3 I, Linda J. Greenstein, Professional
4 Shorthand Reporter and Notary Public in and
5 for the State of New York, do hereby
6 certify that, JOEL CHEATWOOD, the witness
7 whose deposition is hereinbefore set forth,
8 was duly sworn and that such deposition is
9 a true record of the testimony given by the
10 witness to the best of my skill and
11 ability.
12 I further certify that I am neither
13 related to or employed by any of the
14 parties in or counsel to this action, nor
15 am I financially interested in the outcome
16 of this action.
17 IN WITNESS WHEREOF, I have hereunto set
18 my hand this 28th day of March 2016.
19
20 
21 Linda J. Greenstein
22
23 My commission expires: May 17, 2018
24
25

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2
3
4 WITNESS EXAMINED BY PAGE
5 JOEL CHEATWOOD Mr. Haley 4
6
7 ----- INFORMATION REQUESTS -----
8 DIRECTIONS:
9 RULINGS:
10 TO BE FURNISHED:
11 REQUESTS:
12 MOTIONS:
13 ----- E X H I B I T S -----
14 NO. PAGE
15
16 (Exhibit 107 for identification, 45
Two-page document, Series of
17 e-mail messages, including e-mail
dated 4/19 from Mr. Cheatwood to
18 Mr. Weasel, production numbers
35109 through 35110.)
19 (Exhibit 108 for identification, 49
E-mail from Ms. Grace to Mr.
20 Culligan, production numbers
35124.)
21 (Exhibit 109 for identification, 99
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22 Cheatwood to Mr. Weasel,
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23 (Exhibit 110 for identification, 131
Series of e-mail messages,
24 including e-mail from Mr.
Cheatwood to Messrs. Weasel, Hall
25 & Baker, production numbers 35260
through 35261.)

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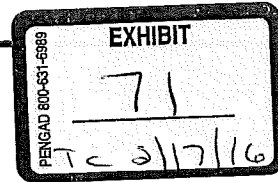
1 (Exhibit 111 for identification, 139
Series of e-mail messages,
2 including e-mail from Mr. Baker
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3 Hall & Weasel, production numbers
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4 (Exhibit 112 for identification, 160
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5 Cheatwood.)
6 (Exhibit 113 for identification, 183
E-mail from Mr. Creter to Mr.
Cheatwood, production numbers
7 35052.)
8 (Exhibit 114 for identification, 186
Series of e-mail messages,
9 including e-mail from Mr. Joe
Strupp to Virginia Grace.)
10 (Exhibits retained by counsel)
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1	DEPOSITION ERRATA SHEET	1	DEPOSITION ERRATA SHEET
2		2	Page No. _____ Line No. _____ Change to: _____
3		3	_____
4	Our Assignment No.: 326058	4	Reason for change: _____
5	Case Caption: Alharbi v. Glenn Beck, et	5	Page No. _____ Line No. _____ Change to: _____
6	al.	6	_____
7		7	Reason for change: _____
8	DECLARATION UNDER PENALTY OF PERJURY	8	Page No. _____ Line No. _____ Change to: _____
9		9	_____
10	I declare under penalty of	10	Reason for change: _____
11	perjury that I have read the entire	11	Page No. _____ Line No. _____ Change to: _____
12	transcript of my Deposition taken in the	12	_____
13	captioned matter or the same has been read	13	Reason for change: _____
14	to me, and the same is true and accurate,	14	Page No. _____ Line No. _____ Change to: _____
15	save and except for changes and/or	15	_____
16	corrections, if any, as indicated by me on	16	Reason for change: _____
17	the DEPOSITION ERRATA SHEET hereof, with	17	Page No. _____ Line No. _____ Change to: _____
18	the understanding that I offer these	18	_____
19	changes as if still under oath.	19	Reason for change: _____
20		20	Page No. _____ Line No. _____ Change to: _____
21	JOEL CHEATWOOD	21	_____
22	Subscribed and sworn to on the _____ day of	22	Reason for change: _____
23	_____, 20 _____ before me.	23	_____
24	Notary Public,	24	SIGNATURE: _____ DATE: _____
25	in and for the State of _____	25	JOEL CHEATWOOD

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1	DEPOSITION ERRATA SHEET
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CHEATWOOD DECLARATION – EXHIBIT 2

From: Weasel, Joe
Sent: Saturday, April 20, 2013 04:58 PM
To: Cheatwood, Joel
Subject: Re: just to be safe



I will get it

Joe Weasel
Sent from my iPhone

On Apr 20, 2013, at 4:57 PM, "Cheatwood, Joel" <[REDACTED]> wrote:

if possible need as much detail as we can get on classifying someone 3B. I'd like to show it's not something you would likely do and then say oops we screwed up. the more detail on the process we can reveal w/o getting [REDACTED] in trouble the better we'll be. Need credibility.

On Apr 20, 2013, at 4:54 PM, Weasel, Joe wrote:

We will need a few other items - when I get [REDACTED] timeline I will forward

Joe Weasel
Sent from my iPhone

On Apr 20, 2013, at 4:48 PM, "Cheatwood, Joel" [REDACTED] wrote:

Agree that's why I've been asking for the info so I can craft a narrative. Based on what we know right now (and I'm hoping we know more before Monday) I think the story is...

Who is Abdul Rahman Ali Alharbi?

Where is he?

Why did the FBI consider him a suspect in the first place - is it true that, as law enforcement sources said, he was arrested due to suspicious activity after the bombings; was heard to say "i thought there was a second bomb" when arrested.

Why did they raid his apartment and remove items?

Why did he go from suspect to person of interest to nothing but a victim of the bombing within 24 hours

Why was an event file created that ordered his deportation based on terrorist activity - code 3B with the added verbiage "linked to Boston bombing" - even as the FBI was telling the media he was not in any way connected to the bombing.

Explain how difficult it is to justify that classification - must have evidence/proof; not easily attained and rarely given.

Why was the file abruptly altered 24 hours after it was created...remember, a 3B designation is nearly impossible to get.

Why did the President have a chance meeting with the Saudi Prince?

Why did ICE claim there was another Saudi student about to be deported not Ali Aharbi?

Why did Janet Napalitano call reports of the deportation order patently false?

Why did multiple media sources, veteran reporters with multiple sources report the FBI had identified a dark skin male and in fact had him in custody and he was scheduled to appear in federal court before a mysterious bomb threat there and a cancellation of the news conference expected to announce the arrest?

This is kind of where I'm headed right now...not necessarily in that order but really posing questions without drawing the conclusions. Letting the audience do that. Need to look at the column in investor.com again to see if the chance meeting Obama had was with the same Saudi Prince that helped get the families of the 9/11 hijackers out of the country.

thoughts?

On Apr 20, 2013, at 4:36 PM, Weasel, Joe wrote:

I think it would be wise to keep the stuff Glenn mentions on air tightly scripted. I have a few concerns... one, that they will claim this was a police investigation. I want to make sure I get [REDACTED] to look over what we're going to say on air.

For every serve we make they are ready to return. [REDACTED] is very good at knowing their next move.

The one thing that did happen is Congress is taking action and Glenn said if they didn't he was going to let it all out. I say we pound the question: where is he? Did he help identify the two subjects? Did he cut a deal?

We know the file was changed... I suggest we use that, too. I think stating dates and times helps us.

But, let's review it together before he goes public... I really think that would be wise.

--
Joe Weasel
Senior Producer
TheBlaze Documentary & Films
[REDACTED]

CHEATWOOD DECLARATION – EXHIBIT 3

From: Iglar, Mark <[REDACTED]>
Sent: Monday, April 22, 2013 10:58 PM
To: Cheatwood, Joel; Siegel, Tiffany
Cc: Weasel, Joe
Subject: Re: Questions

Got it.

Emergencies:

Email is not a reliable method for communicating emergency needs. Senders cannot be certain every email has been sent by their server, nor that it has been received by the addressee, nor that it will be seen within the time needed or expected. If you have an emergency matter, it is always wise to make initial contact by telephone.

Confidentiality:

This email, like all GDBA communication, is privileged and confidential. If you are not the addressee or responsible for delivery of the message to the addressee, please notify us immediately, and then delete this email.

From: Cheatwood, Joel
Sent: Monday, April 22, 2013 9:49 PM
To: Iglar, Mark; Siegel, Tiffany
Cc: Weasel, Joe
Subject: Questions

Recommended questions for tomorrow.

1) We've had multiple sources confirm that an event file was created by the NTC accusing Abdul Rahman Ali Al-Harbi of being involved in terrorist activities related to the Boston bombing. That file was created Tuesday, the day after the bombing, at 4pm. Since then, according to the various agencies investigating the bombing, Al-Harbi has gone from suspect in custody, to material witness, to witness, to victim. His association with the NTC report has been explained at various times by the FBI, ICE, and DHS as a completely false accusation, a case of mistaken identity, to finally yesterday the DHS calling it basically a rush to judgement on the part of the FBI in the chaos that followed the bombing. They admitted he was placed on the "no fly" list for a time but said that was the FBI's mistake. In fact, the DHS is apparently so confident the FBI made a mistake in originally thinking he was a suspect that they told TheBlaze yesterday that they didn't even know where Al-Harbi was anymore. They did tell us that they WERE deporting a Saudi national. A poor schmuck they say was at the port of Boston just after the bombing buying dates. He too was detained and they found out his visa had expired so they're sending him home. By the way they had no explanation why Al-Harbi had originally been given the worst designation possible on a deportation form - section 212, 3B...terrorism. They're treating it as if that file doesn't exist but we know it does.

2) We'd like to ask the FBI what it was they found in their nine hour search of Abdul Rahman Ali-Harbi's apartment or at the scene of the bombing that led them to ask for and get the section 212, 3B - terrorist activities designation. Every expert in the field we've talked to has said that it's a charge nearly impossible to get approved and yet they somehow did...and then 24 hours later...after two visits to the White House by Saudi ministers...the order was rescinded. Mr. Muller can you explain how this all happened? The House Committee

on Homeland Security would like to know and I'm sure the American public would as well.

3) On Friday a source at [REDACTED] who refused to be named told TheBlaze and other media outlets that our reporting was a clear cut case of mistaken identity, that there were two Saudi nationals that had been in custody by the same or similar name. That the Abdul Rahman Ali Al-Harbi that had been held in custody in the hospital following the bombing...the one we reported had the event file declaring him a terrorist just wasn't the right Abdul Rahman Ali Al-Harbi. There was another, not connected with the Boston bombing, and he was the one being deported. Yesterday [REDACTED] told TheBlaze, no it wasn't mistaken identity...it was just an overall mistake by the FBI. Which is it?

4) When asked why Al-Harbi was in Boston when his Visa was issued for attendance at a school in Ohio, DHS initially said again there were two Abdul Rahman Ali Al-Harbi's...one in Findlay, Ohio and one in Boston. Yesterday they told us, no there's only one but he transferred from the Ohio school to one in Boston. No harm, no foul. The University of Findlay, by the way, has no record of a transfer.

A few other questions:

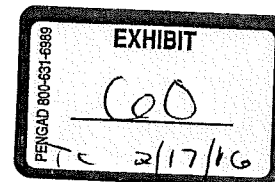
5) Who are the other two men that are living in the Revere, Massachusetts apartment occupied by Al-Harbi and do they have a legal right to be in this country? Might be worth a check INS.

6) Back to the FBI...did the recent decision to purge the manuals of sections dealing with islamic extremism and the resulting change in investigative technique have anything to do with not being able to track the two young men accused of the Boston bombings...even after you were warned by Russia to keep an eye?

7) DHS Secretary Janet Napolitano why are you refusing to give even a classified briefing about the Saudi national or nationals or lack thereof who were going to be or are being deported to the House Committee on Homeland Security? Wouldn't it just be easier to set the record straight? What have you got to hide?

So to the FBI, ICE, and DHS...maybe you should get together, get your stories straight, and try again because I think you can understand why the American public might be a little confused.

CHEATWOOD DECLARATION – EXHIBIT 4



TECS II - PERSON SUBJECT DISPLAY (1 OF 4)

TECS RECORD ID P6A29201600CD4 ENTRY 041513 UPDATE 041513
NAME- LAST ALHARBI PHYSICAL IDENTIFIERS
FIRST ABDULRAHMAN MID ALI HISPANIC N RACE U SEX M HAIR EYES
IMAGE ALIAS NICKNAME STC HT 000 000 WT 000 000 ENGLISH
PERSONAL- S/M/T MORE
DOB POB- CNTRY SA ST CITY CTZN SA MORE
SSN MORE AFN MORE RES EXC/SITE MORE
PPN K358608 TYPE 1 CNTRY SA ISSDT EXPDT MORE
ADDRESS- DATE STREET APT
CITY STATE CNTRY ZIP TYPE MORE
CONTACT- CBP FIELD OPS - BOSTON MA PHONE 8577531938
OWNER KEVIN R CONSIDINE CASE NBR MORE
PRIMARY 5 REFER TO CUSTOMS START 04152013 STOP 04152014 QRY NTFY 1
STATUS SO SUSPECT, OTHER NOFLY N SLCTE N CAT
REMARKS- DATE 041513 MORE
SUBJECT OF INTEREST TO THE BOSTON JTTF. IF ENCOUNTERED PLEASE CONTACT
RECORD OWNER AT 857-753-1938
FIN NUMBER: 1126155934

NO-DOB RECORDS

THIS RECORD HAS NOT YET BEEN APPROVED

(F1/F2=HELP) (F3=MENU) (F4=HITLIST) (F8=NEXT PAGE) (F9=VIEW ACCESS) (F11=DISCLOSURE)

* 3 NCIC RESPONSES; <F12>=CK NCIC* (F14/15=LNKLIST) (F16=PRINT) (F17=HOMEREC)

MR a

06/030

21 03 TICS II - PERSON SUBJECT DISPLAY (1 OF 4) 041616 T2MR60
TID= T28 T2PRG015
TECS RECORD ID F6A29201600004 ENTRY 041513 UPDATE 041513
NAME- LAST ALHARBI PHYSICAL IDENTIFIERS
FIRST ABDULRAHMAN MID ALI HISPANIC N RACE U SEX M HAIR EYES
IMAGE ALIAS NICKNAME STC HT 000 000 WT 000 000 ENGLISH
PERSONAL- S/M/T MORE
DOB POB- CNTRY SA ST CITY CTZN SA MORE
SSN MORE AFN MORE RES EXC/SITE MORE
PPN K358608 TYPE I CNTRY SA ISSDT EXPDT MORE
ADDRESS- DATE STREET APT
CITY STATE CNTRY ZIP TYPE MORE
CONTACT- CBP FIELD OPS - BOSTON MA PHONE 8577531938
OWNER KEVIN R CONSIDINE CASE NBR MORE
PRIMARY 5 REFER TO CUSTOMS START 04152013 STOP 04152014 ORY NTFY 1
STATUS SO SUSPECT OTHER NOFLY N SLCTE N DAT
REMARKS- DATE 041513 MORE
SUBJECT OF INTEREST TO THE BOSTON JTTF. IF ENCOUNTERED PLEASE CONTACT
RECORD OWNER AT 857-753-1938.
FIN NUMBER: 1126155934
NO SUB-RECORDS

THIS RECORD HAS NOT YET BEEN APPROVED
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* 3 NCIC RESPONSES: <F12>=OK NCIC* (F14/15=LNKLIST) (F16=PRINT) (F17=HOMEREC)

MA 06/030

TECS 11 - PERSON SUBJECT DISPLAY (1 OF 4)

TECS RECORD ID P6A30562100CTG ENTRY 041613 UPDATE 041613
 NAME- LAST ALHARBI PHYSICAL IDENTIFIERS
 FIRST ABDULRAHMAN AL MID HISPANIC N RACE U SEX M HAIR EYES
 IMAGE ALIAS NICKNAME STC HT 000 000 WT 000 000 ENGLISH
 PERSONAL- 8/M/T MORE
 DOB [REDACTED] POB- CENTRY SA ST CITY ALBUKATIRYAH CTZN SA MORE
 SSN MORE AFN MORE RES EXC/SITE MORE
 PPM K358608 TYPE 1 CENTRY SA ISSDT 09262011 EXPD 09022016 MORE
 ADDRESS- DATE 041613 STREET ALQUREEN ALORMAN STREET APT
 CITY ALGASSEN STATE CENTRY SA ZIP TYPE MORE
 CONTACT- HQ - NATL TARGETING CNTR, OFF OF BO PHONE 5714681234
 OWNER CARNICHAEL TAYLOR CASE NBR MORE
 PRIMARY 4 REFER TO IMMIGRATION START 04162013 STOP 04162014 QRY NTFY I
 STATUS SA SUSPECT, ALIEN NOFLY N SLCTE N CAT NT NTC LOOKOUT
 REMARKS- DATE 041613 MORE
 SUBJECT OF RECORD WAS SUBMITTED FOR VISA REEDUCATION ON 10 APRIL 2013. IF
 ENCOUNTERED, CONTACT THE NTC-P AT 571-468-1000 AND REFERENCE EVENTH 1648943.

NO SUB-RECORDS

PF10 = STANDARDIZED ADDRESS THIS RECORD HAS NOT YET BEEN APPROVED
 (F1/F2=HELP) (F3=MENU) (F4=HITLIST) (F8=NEXT PAGE) (F9=VIEW ACCESS) (F11=DISCLOSURE)
 * 3 NCIC RESPONSES, <F12>=OK NCIC* (F14/15=LNKLIST) (F16=PRINT) (F17=HOMEREC)

NA 2

06/030

21 03 TDCS II - PERSON SUBJECT DISPLAY (1 OF 4) 041613 T2NRG0

TID= T.23 T2PRG015

TECS RECORD ID P6A30092800B10 ARMED & DANGEROUS ENTRY 041613 UPDATE 041613

NAME- LAST ALHARBI PHYSICAL IDENTIFIERS

FIRST ABDULRAHMAN AL MID HISPANIC RACE SEX M HAIR EYES

IMAGE ALIAS M NICKNAME STD HT 000 000 WT ENGLISH

PERSONAL- S/M/T MORE —

DOB POB- CENTRY SA ST CITY CTZN MORE —

SSN MORE AFN MORE RES EXC/SITE TIP MORE —

PAN K358608 TYPE CENTRY SA ISSDT EXPDT MORE —

ADDRESS- DATE STREET APT MORE —

CITY STATE CENTRY ZIP TYPE MORE —

CONTACT- NTC 24X7 LOOKOUT DUTY OFFICER PHONE 5714881000

OWNER TERRORIST SCREENING-CTR CASE NBR MORE —

PRIMARY 1 ARMED & DANGEROUS START STOP QRY NTFY 0

STATUS ST SUSPECTED TERRORIST NOFLY Y SLOTE N CAT

REMARKS- DATE 041613 MORE H

IF YOU ARE NOT A CBP OFFICER - CONTACT THE TSC AT 866-872-9001.

ESCORT TO CBP SECONDARY AND DETAIN IS MANDATORY WHETHER OR NOT

THE OFFICER BELIEVES THERE IS AN EXACT MATCH.

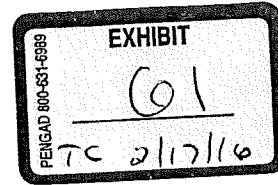
NO SUB-RECORDS

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* 3 NCIC RESPONSES. <F12>=CK NCIC- (F14/15=LINKLIST) (F16=PRINT) (F17=HOMEPEC)

ME 06/030

CHEATWOOD DECLARATION – EXHIBIT 5



Subject, ALHARBI ABDULRAHMAN ALI E DOB [REDACTED] COC Saudi Arabia PP#K358608, is the holder of a F1 (N0008699918) NIV Foil#E3139541 issued on 20-NOV-2011 & Exp 11-NOV-2016. Subject is an exact match to No Fly TPN# 1037506192. Derogatory information reviewed by W/C Mayfield and CW/C Mainbourg was found to be sufficient to request a Visa revocation. NTC-P is requesting revocation of Foil# E3139541. Subject is inadmissible to the U.S under INA(212(a)(3)(B)(i)(II)). SAO was not completed prior to Visa issuance. Subject is currently in the United States, admitted F1 student, at Boston POE on 08/28/2012. Subject is a student at THE UNIVERSITY OF FINDLAY, 1000 NORTH MAIN STREET FINDLAY, OHIO 45840-3695. Subject has One (1) prior event# 1648067, Fins promoted, NT record in place, No scheduled found at this time.

DEF-047614

Confidential

CHEATWOOD DECLARATION – EXHIBIT 6

From: Cheatwood, Joel
Sent: Monday, April 22, 2013 6:53 PM
To: Weasel, Joe
Subject: Fwd: Real News

See below

Sent from my iPhone

Begin forwarded message:

From: "Beck, Glenn" [REDACTED]
Date: April 22, 2013, 6:45:49 PM EDT
To: "Cheatwood, Joel" [REDACTED]
Subject: Re: Real News

Twitter is saying that Brett says he has docs that shows mistaken identity on our part. Did not show docs!

Glenn Beck
New York City - Dallas - Salt Lake
MERCURY RADIO ARTS
THE BLAZE
AMERICAN DREAM LABS
1791.COM
MERCURY ONE

On Apr 22, 2013, at 5:37 PM, "Cheatwood, Joel" [REDACTED] wrote:

Good segment on the story. Congressman Perry, also on the Homeland Security Committee is pissed. Says we've asked specific questions about this individual and can't get a response from Janet Napolitano. Was asked about the Findlay, Ohio portion of the story and said that is one of the many questions we've asked without any response. Buck led block and laid out the story then to the Congressman.

Joel